



Political vs Administrative Decision-making: An examination of the Arm's Length approach in Cultural Institutions, the NFVF (National Film and Video Foundation) as a case study.

Name

Shane Phure Maja

Student/Candidate Number: 584030

University of the Witwatersrand

Faculty of Humanities

Wits School of Arts

Cultural Policy and Management (WSOA7029A)

Supervisor

Munyaradzi Chatikobo

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Dedication

Dedicated to my late Father Oriel Lesiba Maja, may your soul rest in peace Mokone.
My mother Frieda Mashashane Maja, who raised me with unconditional love and support.

My wife Vanashree Govender for the unconditional support and encouragement

My son Keentse Lesiba Maja for always asking “how’s the research coming along” and the banging hip hop music in the background.

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List of Abbreviations

ACH: Arts, Culture and Heritage
AGSA: Auditor-General of South Africa
ACTAG: Arts, Culture, Task Group
ANC: African National Congress
AU: Africa Union
OAU: Organization of African Unity
BASA: Business and Arts South Africa
CEO: Chief Executive Officer
DA: Democratic Alliance
DAC: Department of Arts and Culture
DSACR: Department of Sports, Arts, Culture and Recreation
DACST: Department of Arts, Culture, Science and Technology
GP: Gauteng Province
IoDSA: Institute of Directors in Southern Africa
KZN: KwaZulu Natal
MEC: Member of Executive Committee (Provincial Minister)
MH: Ministerial Handbook
NAC: National Arts Council
NFVF: National Film and Video Foundation
PANSALB: Pan South African Language Board
GFCI: Government Funded Cultural Institution
PFMA: Public Finance Management Act
PLC: Publicly Listed Company
PACOFs: Performing Arts Centre of the Free State
SACO: South Africa Cultural Observatory
SABC: South African Broadcast Corporation
SAHRC: South African Heritage Resources Agency
SOE: State-Owned Entity

Abstract

The study examined the governance of publicly funded cultural institutions (PFCI) herein referred to as cultural institutions supported by the government. Cultural institutions have been a subject of debates and investigations of forensic reports commissioned in the last quarter of the century. The researcher considered claims about political interference, mismanagement, maladministration and corruption as having influenced unintended consequences. The application of the arm's length principle serves as an instrument means to support of the arts against political interference. The study used a qualitative approach to examine the application of models of governance and principles that ensures autonomy using a case study. A purposive sampling technique was used, targeting experienced actors of cultural institutions funded by the government to examine the effectiveness of the ministerial handbook and the powers of the accounting officer. Having answered my central questions, I argue that models and principles of governance which was meant to guarantee the autonomy of these institutions to be independent statutory bodies were intentionally seized for political expediency against the very ideals of autonomy.

Additionally, I argue that the appointment of council members, the council chairperson and the accounting officer are the results of political interference to the detriment of what was envisaged in the ACTAG report of 1995. Thus, the dilemmas between the politically appointed council and administrators of the cultural institutions funded by the government could be avoided with adherence to the application of the arm's length principle. South African literature on the cultural policy is yet to benefit from studies such as this one, on the application of the arm's length principle and the dilemmas between the political and administrative of decisions. Although the study extensively describes the details of the case study, hitherto, a limitation is undeniable. Cognisant of the fact that the NFVF is not the only cultural institution in operation to model, poses a limitation on generalisability of the findings of the study. There is a need for a comprehensive study that may even utilises mixed methods for extensive analysis of cultural institutions funded by the government.

Chapter 1: An examination of the arm's length principle in cultural institutions funded by the government

1.1 What must be done?

The study examined the governance of cultural institutions which has been a subject of debates and investigations of forensic reports commissioned in the last quarter of the century (PWC, 2015). Recently, the state of cultural governance was in the spotlight and scrutiny after a report "DAC Cleanses House (2019) was published. The study considered claims of political interference, mismanagement and corruption as having influenced unintended consequences in the governance of these institutions. The study used a qualitative approach to examine cultural institutions funded by the government through a case study, the National Film and Video Foundation (NFVF).

A purposive sampling technique was used, targeting experienced actors to examine how models of governance and principles are applied for the effectiveness of the ministerial handbook, including the powers of the accounting officer. Having answered my central questions, I argue that the models and principles of governance meant to guarantee the autonomy of these institutions as independent statutory bodies were intentionally seized for political expediency against the ideals of autonomy. Additionally, I argue that the appointment of the board/council members, the council chairperson and the accounting officer are the results of political interference to the detriment of the ACTAG report of 1995. Thus, the dilemmas between the politically appointed councils and administrators could be avoided with adherence of principles of organisational governance. Studies of literature within the cultural institution are yet to benefit from cultural governance studies such as this one particular on the application of the organisational principles and the dilemmas between the political and administrative of decisions. Although the study extensively describes the details of the case study, hitherto, a limitation is undeniable. Cognisant of the fact that the focal case is not the only government-funded cultural institution in operation to model, poses a limitation on the generalisability of the findings of the study.

1.2 Issues and dilemmas of cultural Institutions

Government Funded Cultural Institutions (GFCI) are mandated to support the arts and regarded as arm's length entities under the strategic oversight oversight of management and councils. They are supposedly autonomous and insulated from political interference in their operations. However, it has been witnessed that the autonomy of the focal case has been thwarted, as confirmed by the respondents of this study. The government is responsible for developing, preserving, protecting and promotion of arts, culture and heritage to shape an inclusive national nation (DAC,2010). Under its stewardship, the Cultural Act (1996) called for the creation of independently operated bodies that will manage the affairs of the arts, libraries, film, theatre and museums. The autonomy of councils as oversight structures and the allocation of funding is critical to the management of the arts and how these councils are appointed determines the degrees of independence, transparency and accountability.

Recently, the President Mr Cyril Ramaphosa, in his closing remarks of ruling party's lekgotla reflected that enterprises owned state and said that would no longer be used for political expediency and that the instrumental use political interference in operational matters leads to mismanagement and possible company failure" (2017;2).The confession of political interference which has been refuted blatantly in the past decade by the ruling party, while in this study, some respondents concur with it. Similarly, challenges of governance were raised at an extraordinary special meeting between the President Ramaphosa and 20 CEO's of SOE's (State Owned Enterprises) and later documented in a report titled "Department of Arts and Culture Successfully Cleans Houses (2019)". The report points at poor governance, outdated legislation and political interference as impediments to developments as also confirmed by Minister Nathi Mthethwa that there are "areas of grave concern including maladministration, corrupt activities and the disintegration of governance in entities (DAC,2019).

Majority of arts organisations are registered as not-for-profit organisations, thus, they operate in desperate funding systems, donations, philanthropy and sales of cultural goods and services. This factor places the running of cultural institutions under strict prescripts in how they managed and are held accountable. Mundy (2000; p3) argues that the "issue of political interference in artistic and intellectual freedom is a constant

one” therefore, the independence of arts funding and control by the government is one of the central issues in arts policy. The power vested with ministers to appoint councils has seen patronage, jobs for pals, unskilled personnel deployed to arts and culture councils. The appointment of officials and council members is a political deployment system used by political parties to ensure that a party member implements their ideologies and manifestos. The practice often referred to as “cadre deployment” is associated with the “politicisation and depoliticisation” of public service as discussed by Rouban (2003; p 200) covered at length in the studies and examination of public service by Cameron (2000); Miller (2005); Picard (2005); Maphunye (2001) and Thornhill (2009). Patronage influences loss of expertise and affects the morale of state workers (Dierickz 2004; 285). Senior positions are filled by people with the same ideological values in public service; meritocracy has been replaced by ideological criteria for recruitment, hiring, retaining, incentivising and directing the public service works force. Additionally, Miller (2005; p 85) argues that “political appointments is a global phenomenon”, therefore advancing the need emphasise on competence and development of a framework that characterises a holistic public servant. This phenomenon has plagued the state of cultural institution funded by the government with the case study not being an exception

1.3 Focus and Intent of research

The aims of this research were to study models of governance in cultural institutions funded by the government in relation to their autonomy status and separation of powers with a focus on the case study. The study was developed to generate new knowledge through discovery and interpretation, Guba & Lincoln (1986;550) argues that research as a “disciplined inquiry that applies scientific procedures to the collection and analysis of information about the content and structure and outcomes of programmes, project and planned interventions”. Examination as a research action is used to peruse how the institutions manage contradictions and dilemmas, which are the causes of tensions between the interface of political and administrative decisions. The research aims to examine the different types of models for governance in pursuit of streamlining the capacity to manage and implement a new vision of arts management. Furthermore, the research locates organisational governance models and principles to ensure autonomy and independence are a concept in the interface of political and administrative relations. The disconnect between the autonomy versus

political interference in the governance of the arts is, therefore central the curiosity to conduct this study.

1.4 Posing the research questions?

Flick (2006,109) notes that research questions that are describing the states and those describing processes are a technique used to inquire about phenomena to signal the relevance of the study to a field or discipline. Research questions help to give focus to the study by guiding decisions about research design, and they are important in determining research methods (Bryman,2007). Along with this, Agee (2009,1) argues that the “ongoing process of questioning is an integral part of understanding the unfolding lives and perspectives of others”. In order to achieve the research aim stated above, this study sought to answer the following questions:

How are the models and principles of governance applied in cultural institutions funded by the government in South Africa?

What models of governance do cultural institutions have in executing their public mandates, and is there convergence of models for effective management?

The delegation of power located in the ministerial handbook and the public service administration authority of the accounting officer are instruments to ensure a complementary style of management, why are these instruments not effective?

What are the systems available to ensure the success of Arm’s Length principles in Cultural Institutions?

The research questions were crafted to be exploratory, descriptive and emancipatory (EDE) as defined by Marshall and Rossman (2006) to give focus to the study by guiding decisions about research design as they are important in determining research methods

1.5 Importance of the study

Cultural institutions funded by the government are an extension of the state to provide services to sectors and stakeholder. This factor places the running of cultural institutions under strict prescripts in how they operate. Along with this, with realisation

of political interference, the researcher also discovered limited literature dedicated to the state of governance and management of publicly funded cultural institutions in post-democratic South Africa. Matarasso and Landry (1999, P 7) argue that the “development and management of culture is one of the most complex areas of modern government” because the intricacy revolves not only in administrative but also the conceptual framing depending on each material conditions. The first intent of this research was to provide the illustration of autonomy alongside the independence practised by these institutions by focusing on the NFVF as a case study.

The study is important because studies of the cultural policy must comprehend the impact of political interference against the mandate of these institutions. The literature on politicisation is crucial for understanding the services offered by the state along political engagements to avoid adverse effects on service delivery (Pierre, 2004). The second objectives the study sought is to enlighten a multi-stakeholder community of the arts and culture sector, from research and development to policymakers, politicians, arts administrators, bureaucrats and civil society in all its demographics. The support and governance of the arts were legislated under the Cultural Act of 1996 and gave rise to establishments of councils as arm’s length entities to avoid political patronage, interference and maladministration. I believe that the current pool of knowledge will benefit the understanding of cultural institutions funded by the government

1.6 Framing the conceptual framework of the study

The research deploys two conceptual frameworks to read and understand data pulled from the case study. These cultural production concepts are from “The Field of Cultural Production” (1993) and “The Rules of Art” (1996) by Bourdieu as well as the “autonomy of cultural governance” by Copic and Srakar (2012). The Arts, Culture and Heritage paper (1996) defines autonomy as a means to ensure the full autonomy of institutions of the arts funded by the government separate from political interference.

Autonomy was anchored on the ideology of liberalism, by the founders of public administration including systems of capitalists as an economic power around the year 1840 when arts and culture production was categorised into cultural and artistic fields focused on cultural capital and access (Bourdieu,1968).

Independence of the arts and their status reflect artistic liberty in a flourishing democracy, the debate on inventiveness in the arts is dependent on freedom (liberated to create or work) as argued by Bourdieu (1993). Kant (1781), in his *Critique of Judgement* (1970,2003) positions the autonomy of the arts by distinguishing the aesthetic value of culture away from Christian morals or economic obligations of the arts. Literature on the concept of autonomy of the arts has over two centuries occupied the discourse of the social sciences in developed countries (Kenning 2018, Williams 1961 and Chartrand & McCauley 1989). According to Vestheim (2009, 38), “western secular and liberal political ideas, the production, distribution and mediation of the arts have been expected to be free from, and independent of external pressure from powerful individuals, groups or institutions.”

Schmitt (2011) claims that cultural governance is relatively a new definitive in the lexicon of research, and it is motivated by fostering meaningful relations between civil society, the broad cultural sector and the state. Schmitt (2011) also argues that the concept of cultural governance should be “useful in the contexts of social-science-orientated research on cultural phenomena (the governance of cultural diversity). According to Copic and Srakar (2012), the concept of governance is distinguished from the government. Proponents for models of governance and principles have different ideas about the adequate degree of separation between political intervention and autonomy (Chartrand & McCauley 1989, Bourdieu, Kenning 2018). The concept of the arm’s length is widely researched by Chartrand & McCaughey (1999) with an emphatic focus in Europe. The traditional view that the state is simply the political arm of the ruling class (Miliband, 1969) reflects a perception of artistic freedom.

The researcher notes that the neo-liberal agenda that advanced the public administration systems of modernisation to society attributed market failure as the reason for the state to intervene and support the arts through an interventionalist approach. The structure of the South African public service I argue that it can be located within these heightened tensions of ideologies between Marxist approaches where the state is viewed as a social transformation instrument for change and the reality of neoliberal democratic values operating in a capitalist society (Watson,2004; pp 43). The question of “how can cultural institutions be autonomous if they are instruments of political and economic expediency is central to the study. As Vestheim (2009: 31) argues “cultural policy is by definition informed and guided by ideas of

societal aims beyond culture or art itself” and I argue that this is the genesis of apparent tensions and contradictions.

Tools, methods and procedures of research

There are many methods which could be used to achieve the aims of this research, but I have chosen to make use of a case study under the auspices of a qualitative research approach. A case study model purposefully explores the real-life phenomenon in a contextual analysis through a limited number of events and conditions in their relationships (Zainal,2007). The method empowers a researcher to examine “data in a specific context and selects a small geographical area of a limited number of individuals as the subject’s matter” (Zainal 2007). Yin (1984:23) defines the case study research method “as an empirical inquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not clearly evident; and in which multiple sources of evidence are used.”

The research’s approach made use of the questionnaires, observations, reports, structured interviews with politicians and administrators to extract data. It was important for the purpose of this research to have a tried and tested process when conducting qualitative method because record-keeping, filing management and accuracy was vital. The selection of subjects for data collection is from a population that has the same characteristics. Selection of subjects of this qualitative research was purposive, which means that a sample was selected from experts that one can learn from (Chein, 1981).

A sampling of population applied a criteria format a method argued by Goetz and LeCompte (1984) in a technique called “criterion-based sampling” a process in which the researcher establishes certain criteria or standards that must be met before a subject can be included in the investigation. Burgess (1982) argues that the selection of qualitative research involves consideration of where to observe when to observe, whom to observe and what to observe. Thus, the research identified the subjects with certain expertise and experience of those who served cultural institutions and interviewed council members, CEOs and former Ministers.

The evidence is gathered from fieldwork, official records, observations and governments documents. The NFVF was an ideal institution as a case study because of the common occurrences of systematic political interference and direct meddling into governance matters. Data collected from primary sources from the two cases studies were compared against conceptual frameworks which act as a standard measure. Utilising a mix of four data collection procedures, observations, interviews, documents and audio materials, the researcher used these approaches for conducting structured interviews with interviewees. A tape recorder was utilised during the interviews during site inspection to capture interviews as the researcher saw necessary to do so.

Follow up questionnaires were considered to verify and to validate comments made during interviews to allow respondents with the opportunity to self-correct. Data in research from primary sources of the cases study was analysed against literature reviewed and data collected from secondary sources of the, then, synthesised against conceptual frameworks.

1.7 Ethical Considerations

Partakers received information on the aims and objectives of the research and participated voluntarily. The participant's rights of confidentiality and flexibility with their time was considered in the scheduling of the interviews. This study desists from plagiarism, fabrication or falsification and dishonest practices. Cognisant of the fact that issues of ethics cannot be foreseen or predicted, the study ensured that there's no hurt or harm to participants by intruding or exploiting their trust to the process (Boynton, 2013). Wagner et al., (2012) argue that "research design and implementation need to be considered to assist in addressing ethical issues that occur" particularly during the planning of the research risk register and the design of an action plan to mitigate the risk.

1.8 Research Report Structure

In presenting the study, the report structure opens with chapter 1 with a background which discusses what must be done. This is followed by the issues and dilemmas affecting the strategic operations of cultural institutions funded by the government. The importance of the research is discussed prior to the conceptual framework, which is followed by the tools, methods and procedures of research. The ethical considerations

of the researcher are presented, followed by the limitations of the study. Chapter 2 reflects the body of knowledge borrowed from proponents of the arm's length through a meticulous literature review of various authors. Chapter 3 is a compilation of two segments: with the first one on presenting the rationale for a case study and the second on contextualising the research methodology and research design. Chapter 4 is a presentation of findings from the primary data and observations based on the key research questions. Chapter 5 is about corroboration of findings with theory and literature. The study concludes with chapter 6, which evaluates the adequacy of the conceptual research framework and offers recommendations for further studies.

1.9 Limitations of the Study

Autonomy and independence are an administrative instrument to insulate affairs, the management of arts from political interference and guarantees legitimacy to ensure artistic freedom as enshrined in law. The study is confined to dilemmas councils and accounting face in their daily governance relations with politicians (Ministers) or the ministry's political office. The study aims to examine models and types of governance regulated at government-funded institutions and probes whether they are effective over time. The study focuses on the NFVF as a case study and critically examines the powers of the Minister in the appointment of council and the council chairperson as two critically misalignment practices that place a huge concentration of power to the politicians at the expense of a peer review mechanism from arts administrators.

Cognisant of the fact that the National Film and Video Foundation is not the only publicly funded cultural institution poses a limitation on the generalisability of the findings of the study. Therefore, in future research, there is a need for a comprehensive study that can utilise mixed methods for extensive analysis of cultural governance of cultural institutions within the custodianship of the government. There are over 24 cultural institutions funded under the department of sports, arts and culture. This study is not aimed at applying one-size-fits-all criteria but focuses on the NFVF and its founding legislation. There's a need for further studies in comparing the independence of cultural institutions as guided by the Cultural Institutions Act of 1998 and their foundation legislations against political interference and the use of the arts for political expediency in order for artistic freedom to be protected.

1.10 Chapter Concluding Remarks.

Chapter one provides a starting point of the research by discussing the problem statement through the outline of cultural institutions funded by the government. A problem was formulated focusing on a case study and the application of the governance principles to ensure autonomy and independence. The conceptual framework highlights focal constructs along with the aims of the study, which are addressed by research questions geared to examine the efficacy of governance. Summary of the literature review of the study is also shared to provide a foundation of Chapter 2, where extensive discussion is provided. The qualitative research approach is also presented in a concise manner to offer clarity on the plan and techniques used to gather and analyses the data. A sample was selected as a means of gathering a deep understanding of the issues affecting the governance of cultural institutions funded by the government. The following chapter presents a detailed literature review.

Chapter 2: Standing on the shoulders of giants

2.1 Introduction

In the previous chapter, an overview and background of the subject were presented. First, the literature review demonstrated the various intentions such as giving the results of other research related to their own and also comparison to a large pool of studies (Creswell, 2009:25) The report study applies three key concepts that transcend disciplinary boundaries of cultural policy, public administration and political science in developing the conceptual framework. The proponents for the Arm's length principle, public administration, cultural governance explored herein are Miliband (1969) Chartrand & McCaughey (1989) Matarasso & Landry (1999), Mafunisa (2003) Thornhill (2012) and Čopič & Srakar (2012). Creswell (2009: 25) argues "literature review accomplishes several purposes, first it gives the reader the results of other studies closely related to the one being undertaken and relates a study to the larger, ongoing dialogue in the literature by filling the gaps and extending prior studies. The purpose is to provide a framework for establishing the importance of the study and benchmark for comparing the results with other findings. There is currently limited scholarly literature dedicated to the examination of how the independence status in cultural institutions funded by the government. This section provides an outline for developing the importance of the study and comparison for the results of other studies in the cultural sector to inform and advise on the complexities of policy implementation given that not enough has been achieved in the research into the study of protecting the independence of cultural institutions to this end. This chapter, therefore, relate how models of governance and their principles to ensure autonomy are applied in both the administrative and political decisions within the governance of cultural institutions with reference to the case study.

2.2 Why Administer the Arts at a distance?

The role of the state in its support of the arts and the degree of control politics over cultural institutions of is a matter of curiosity since the medieval times of Mozart and the start of cultural governance in South Africa. The models of governance and their principles to ensure autonomy are abstract concepts not exclusive to the cultural policy lexicon as they are linguistically applied as a metaphor. The governance models argue

Pratley (2002;21) are "designed to distance decisions about cultural policy and funding from the political pressures of other issues of state, to serve the constituency of the arts giving primacy to the needs of the creative artist, and to allocate resources where this supports the best quality creative work".

South African democracy came about as a result of a negotiated of lengthy protracted negotiations of multiple stakeholders of oppressors and the oppressed (CODESA,1993) to form a new national government of unity comprising of business and labour (NEDLAC,1994) with the intention to establish the national economic development and labour council, cultural fields owners and cultural activists (ACTAG,1995). This was instrumental in the legislative and institutional transformation of the arts from the old to be more inclusive through the creation of a participatory model that resulted in the policy paper for heritage, arts and culture. Independence and autonomy are principles which are tacitly covered in the policy as enabling instruments to insulate the arts from political interference and to avoid the use of the arts for political expediency.

The revised White Paper on Arts, Culture and Heritage (2017) discussion document is aimed at "extending arts, culture and heritage infrastructure, facilities and resources beyond the colonial urban centres into peri-urban and rural communities". The draft policy has highlighted the arms-length principle prominently by defining the autonomy of cultural institutions as meaning adhering to good governance. The interpretation of policy calls for cultural institutions to be transparent, accountable and demand effective practices of management principles and procedures. Aligned with national policy imperatives, the Heritage, Arts and Culture White Paper (2017) is anchored on the fundamental right to artistic inventiveness, culture, intellectual, language and artistic freedoms enshrined in the Bill of Rights in the Constitution of the Republic of South Africa (1996), the National Development Plan: Vision for 2030 (2011) and other continental and universal convention.

The objectives of models of governance and principles are to ensure autonomy primarily calls for the need to achieve legitimacy. The principle is ideally meant to distance the arts from political interference of the political party's interests and the artistic elites. Hewison (1995:32) notes that "though this principle has not been codified in cultural policy studies it has operated for a long time as a practical means of

distancing politicians and civil servants from the activities they wish to promote". Apart from legitimacy, the principle supports the freedom of expression for cultural practitioners in a democracy and serves to mitigate the risk of speaking truth to power. Artistic freedom is essential because filmmakers, directors and scriptwriters must be insulated from the dangers of political hegemony in the discourse of a democratic state. Robert Hoppe (1999, p 2) notes that "speaking truth to political elites who are ideologically rooted to the elites of administrators, managers and experts who vie for power in the functional policy domains of post-parliamentary democracy.

2.3 Models of governance principles and their importance to the study

Organisational models of governance and principles to ensure autonomy are one of the key terms at the core of this study, and therefore a clearer contextualisation is critical. Key scholars who have written extensively about the models of governance and principles to ensure autonomy are Chartrand & McCaughey (1989) authors of "Who Pays for the Arts, Matarasso & Landry (1999) on "Balancing Act: twenty-one strategic dilemmas in cultural policy". The leading authors offer great insights into some of the complexities of governmentality of the arts. The theoretical origin of the term originated in the Commonwealth countries as an idiomatic phrase which according to Marco Antonio Chavez Aguayo (2012:171), "see the metaphor the human body as a measure, the hand being separated to the body by the length. In my vernacular (Sesotho sa leboa) the metaphor is regarded as "se ikemela thoko (autonomous) tlase ga pusho (from control). The metaphor means that "it is not close nor far", this is a paradox of magnanimous proportion when applied in politics or public administration because the principle implies distance, wherein in politics it supposes a hegemonic ideology applied to measure distance while in administration, it requires a standardised application of administrative processes to measure that distance from influence or control. Political and administrative decisions are about the exercise of power and control and how the two interfaces are hypothesised as a continuous endeavour

Undeniably, with the interpretation of the concept is difficult, its different implementation around legal and administrative effects poses greater problems as is the case in the legislation of the NFVF ACT no 73 of 1997. Quinn (1997; p153) argues that "a lack of precision in the commonly accepted description of the arm's length principle has created opportunities for it to be twisted to apply to situations which are

often contrary to its theoretical understanding". The autonomous stature of cultural institutions and particularly the NFVF, the Film Publication Board (FPB) was called into question when artistic freedom was under threat as was the case with the movie *Inxeba, the Wound* (2017) or a portrayal of a painting *The Spear* (2010) by visual artist Brett Murray.

The term "arm's length" is a principle that is an abstract description and is not exclusive to the cultural policy as it is linguistically applied as a metaphor. In relation to the purpose of this study, the models of governance and principles to ensure autonomy has its origin in Britain, especially in creating council bodies in 1945 (Quinn, 1997; Upchurch, 2004 and 2011). John Keynes is fondly remembered as the father of art councils crafted a model for funding arts through the Council for the Encouragement of the Music of the Arts (CEMA). The purpose of CEMA was to fund touring performing groups in the middle of World War II with the strategic aim to "raise morale" (Upchurch, 2004:203).

In South Africa, the Arm's length is enshrined in the 1996 constitution in the way the devolution of powers is applied between the functions of the state (legislature, judiciary and the executive). Mucica (2004; p 1) defines the principle as a "public policy concept is regarded to be one of the building blocks in the general system of separation of powers and of "checks and balances" basically to a multiracial democracy. Quinn (1997: 127-128) defines the principle as "the idea that arts councils should exist and operate with relative autonomy from central government. It is believed that political influence over arts administration must be kept to a minimum and within transparent means. This distance is believed to allow arts administrators to organise their affairs, thus liberating themselves from undue influence/ interference from political forces. The governance models and principle are therefore applied through the Cultural Institutions Act of 1998 which seeks to delegate and decentralise and deconcentrate the powers of administrators and politicians to interfere or influence the management of funding for the arts.

2.4 How the government constitutes the Arts

The Heritage, Arts and Culture White Paper (1996) explicitly refers to the governance models. It refers to the arms-length to mean that the "state shall facilitate a mechanism for peer evaluation and decision making regarding the funding of arts and culture activities" DACST (1996, 14) and understands autonomy as it "shall ensure the full

independence of publicly funded arts institutions, organisations and practitioners from party political and state interference". DACST (1996, 14). Chartrand and McCaughey (1989: 71) whose journal articles are widely referenced and cited by many scholars and authors refers to the Arm's length as "the basis of the general system of 'checks and balances' that are considered necessary in a plural democracy to prevent undue concentration of power and conflicts of interests". There is a knowledge gap in arts education pertaining to the relationship between the Arm's length principle and arts administration by the stakeholders (government and arts sector).

The history of the principle and how it finds expression in the current political trajectory must be evaluated against the history of public administration and state control in South Africa. In summary, history of the "state" as in government is formally recognised with the amalgamation of the Union Jack in 1910 when the Afrikaners and the English united after the second world war. Much of the administrative models and style of government mirrored the Saxon institute of power. The period of 1910-1979 was the era of centralisation because when "South Africa became a Union in 1910 in terms of the South African Act of 1909, it created a three-tier unitary system government, first, a parliament based on the British Westminster system of structure, procedure and practice, the second tier consisted of four provinces whereby power was shared between a centrally appointed Administrator and the elected provincial council and the third tier of government being a local government" (Cameron 1995:398). The government which were responsible for basic provisions of supply of water, roads, refuse collection, museums, libraries, sewerage, stormwater drainage, business licensing and other services through a category of multi-function authorities (Cameron,1995:399).

The cabinet is according to the Constitution 1996) regarded as members of the executive who operates parallel, independent but accountable to the legislature and subject to the scrutiny of the judiciary. This political governance model is also subjected to the establishment of Chapter Nine Institutions which are established in terms of the South African Constitution with the purpose of guarding democracy. The models of governance and principles to ensure independence in the governance of the support of the arts is traced at the creation of the Ministry of Arts, Culture, Science and Technology in 1994 which was established after the adoption of the heritage

culture white paper, a national cultural policy for culture transformation. In our country, the understanding of the definition is influenced by UK's parliament (1999) where the Ministers set the finance of administration, overall policy framework and legal issues of the public institutions, but the institutions have a degree of independence they make individually.

I share the definition provided by Matarasso and Landry (1999, 23) that the Arm's length simply defines a principle and processes of "money voted by Parliament is granted to quasi-independent bodies to determine their own policies and spending choices". This knowledge is important if one is to explore the different types of models of governance utilised by these bodies in executing their mandates as it will suffice that a convergence of models has resulted in duplication duties, maladministration and collapse of governance. According to Svava (2001; p 179), the complementarity of politics and administration is informed by the view that political office bearers and administrators must collectively pursue sound control and power. I concur that public policy is the creation of politics and therefore cannot be insulated from politics, I also agree with the school of thoughts that see the complimentary style of management among politics and administration as one of the critical areas of study and investigation.

2.5 Administrative and Political Tensions in Cultural Institutions

The history of relations between politics and administration has not been a focus of study before the introduction of cultural policy and not much documented in South Africa. The beneficiaries of government-funded institutions have decried that these institutions to be responsible for events involving misconduct, corruption and "unethical activities by both politicians and bureaucrats" (Mafunisa, 2003:421). The principle of the Arm's length is forever questioned, tested and tried in the court of public opinion where issues of political mandates are tested against the inflexibility of administrative responsibility, e:g, in 2019, the MEC of Sports, Arts, Culture and Recreation in Gauteng was recorded scolding an accounting officer and the Chief Finance Officer (CFO) over the supposed slow pace of delivery. According to Kuye and Mafunisa (2003:422) politicians who are "elected officials make the final decisions on major public policy issues; public servants have a significant influence on these decisions and also have the authority to make decisions on their own that affects the individual and collective rights of the citizenry".

The dose of influence by administrators over the implementation of the political policy is the basis of what is identified by Finer (1941:335) when he advocates for "the continuing need for political controls over the bureaucracy". The mandates of cultural institutions funded by the state albeit limited operating resources and compete against challenges of historical redress and access to basic social development demands are one of the critical dilemmas of the post-apartheid South Africa in the last two decades.

2.6 Chapter Concluding Remarks

Political and administrative decisions are about the exercise of power and control and how the two interfaces are hypothesised as a continuous endeavour. There is limited literature on the study on the phenomena of state support over the cultural institution. Theoretically, there are four alternative models of support for public arts by governments. According to Chartrand and McCauley (1989, p 8), the "Facilitator State, funds the arts through tax expenditures made according to the tastes of individual, corporate and foundation donors. The Patron State funds the arts through arm's length arts councils and promotes standards of professional artistic excellence. The Architect State funds the arts through social welfare policy where the ministries or departments of culture promotes community standards. Lastly, the Engineer State which owns all the means of artistic production and uses them for purposes of political education". The page identified gap exists across the history of public administration accounts, investment or support of the arts across the three spheres of local, provincial and national tiers. [These four models have not been discussed anywhere only to be introduced in the concluding remarks]

This chapter was focused on the epistemology of models of governance and principles which urged the development of legislations designated with separation of the arts from political expediency of political parties. The tensions between political and administrative relations in the management of the allocation of resources and delivery of services to the arts is still a continuous and contentious spectacle. The literature review on tensions of the interface between political and administrative is a complex topic that transcends the political and public administration dichotomy.

The literature identified the differences of policy crafting in how the concept of the arm's length is crafted, in the Heritage, Arts and Culture White Paper (1996), the arms-

length is pronounced as the "peer review mechanism" wherein the Revised Arts, Culture and Heritage White Paper (2017) Kelland (2018) explains that the arts must be autonomous, informed by its laws that can be mostly understood as infiltrating necessary logic for addressing the struggle of the practice of ongoing advances made by a community of artist. The historical policy attempts of previous government administration released supporting strategies and sector initiatives such as the Copyright Amendment Bill (2019), the Growth Strategy of Cultural Industries 1998, Development Strategy of Film 1998 et al.). The focus interventions on elucidating national understanding of cultural governance concepts, policies and how they are implemented they are in cultural institutions funded governments provide a scope for a further comprehensive study. The next chapter outlines the methodology of the research follows in the section below.

Chapter 3: Positioning the Case Study as a Cultural Institution

3.1 Introduction

Mankind's curiosity is one of the fundamental elements that led to research as a field of study. Research is a study of systematic processes whereby one collects, analyses and interprets data to improve the comprehension of the endeavour concerned (Leedy and Ormrod 2005:2). According to Welman et al. (2013) "research is a process that involves obtaining scientific knowledge by means of various objective methods and procedures". Research can either be labelled as applied (solving a particular problem) or pure (knowledge gaining), by applying the case study approach, the research design objectives is for applied research as a process of broadening the body of knowledge in the governance of PFCI.

For a research design, this study, therefore, uses a qualitative research approach and applies a case study method. Gerring (2004: 341) defines the case study as an 'intensive study of a single unit with an aim to generalise across a larger set of units'. Qualitative research is an interpretive methodology that aims to examine who says what, to whom, why, to what extent and with what effect (Insight Media, 2006).

From this case study, I also examine what are the models of governance, shaping how these organisations function against the weight of politics as an influence and public service as administration. The NFVF is the definitive case study given the everyday occurrences of the systematic collapse of governance structures in the past decade from 2007 until 2019. The research is informed by empirical evidence from annual reports, parliamentary portfolio committee presentations, newspaper articles, social media postings, interviews with key stakeholders from the case study (NFVF) the Department of Sports, Arts and Culture (DSAC) and my personal observations over the past two decades. Empirical evidence is analysed against theoretical findings and literature from the South African Cultural Observatory (SACO) and other academic databases.

3.2 Choosing and Applying the Case Study Approach

Qualitative research is an interpretive methodology to study "who says what, to whom, who, to what extent and with what effect, as well as when and how (Insight Media, 2006). Therefore, this study uses a qualitative method on a focal organisation of

interest. From this focal case, interviews with key stakeholders were undertaken. The social science research methodology that is interpretive in nature was used to examine texts in relation to their historical trajectory in current affairs and an analysis of institutional practices within which texts are embedded (Fairclough, 1995).

Case studies purposefully explore research method that investigates real-life endeavours in a comprehensive contextual analysis of a limited number of events and terms through interaction. The method empowers a researcher to examine data in of specific context. The method chose a small geographical area of a limited number of individuals as the subject's matter. Yin (1984:23) defines the case study research method "as an empirical inquiry that investigates a contemporary phenomenon within its real-life context; when the boundaries between phenomenon and context are not clearly evident; and in which multiple sources of evidence are used".

There are three categories of a case study that Yin (1984) identifies as the exploratory, descriptive and explanatory case studies. Exploratory case studies set to explore any phenomenon in the data which serves as a point of interest to the researcher. A descriptive case study describes the natural phenomena which occur within the data in question; for example, what different strategies are used by the researcher and how they are utilised. Zainal (2007; 3) notes that with the descriptive case study "the goal set by the researcher is to describe the data as they occur.

The method is utilised herein to enable the researcher to examine data within a specific context. It selects a small geographical area or a limited number of individuals as the subjects of study. The essential advantage of the case study is that it uses both quantitative and qualitative data and helps explain both the process and outcome of a phenomenon through comprehensive observation, reconstruction and analysis of the cases under investigation (Tellis, 1997). Thus, with a case study method, a researcher can go beyond the quantitative statistical results and understand the behavioural conditions through the role players perspective. One of the disadvantages of a single-case design as is the case with the NFVF is that a case study is criticised for its inability to provide a generalising conclusion for example, where the events are rare or inconsistent. The other way of overcoming this, according to Zainal (2007; 5) is by triangulating the study with other methods to confirm the validity of the process.

3.3. The case of National Film and Video Foundation as an ideal case study.

National Film and Video Foundations as a case study should be understood in the context of the film and its national significance. According to a study by the NFVF (2017), “film in South Africa has, for the most part, been evaluated against its impact on job creation and contribution to the GDP economy. The need to expand our understanding of how politics and administrative decisions have controlled the film sector based on questions of aesthetics, propaganda and expediency needs further examination. The historical process that led to the establishment of the National Film and Video Foundation (NFVF) provides a fascinating insight into how the politics instrumentally utilised film over society. A look at how the arm’s length principle is applied with specific attention on governance within the film and video industry is also linked to politics of domination.

The SA Film Summit (2019) noted that government is a main funder of the film industry and for its part, the South African government has several entities that manage several funding programmes to support the development, production, post-production and distribution of film content. This milestone makes South Africa, one of the largest AU member (Africa Union) country that offers funding for the film sector and the arts at such a grand scale. However, Nigeria produces more films than the latter. Few films are produced for release in cinemas, and those that succeed at the box office achieve little success, and for that, it has been rare for South African made film to become successful internationally.

The production of feature films tends to serve the international market, supported largely by the NFVF and the DTI’s (Department of Trade and Industry) film and television production and post-production incentives. The market is clustered mainly in Johannesburg Gauteng at 54%, Cape Town in the Western Cape and Durban, Kwa-Zulu Natal (earns valuable foreign exchange, creates jobs for local film industry professionals, and plays an important role in skills transfer” Saco, 2018. According to research conducted by the NFVF (2003, 45), local films don’t contribute towards the telling of South African stories for South Africans, by South Africans because the “Hollywood films tend to dominate the box office”. This factor is linked to the fact that transformation is generally regarded slow in the film industry, just like many other

sectors, it is constituted by the formal sector enjoyed by the few minorities while the majority of filmmakers are stuck in the informal bottom.

Some of the developmental funding for the film sector comes from provincial film commissions, NEF (National Empowerment Fund), DTI, NAC (National Arts Council) and the Industrial Development Fund (IDC). The 2019 SA Film Summit called for increased private sector investment in the industry that has been limited post-1994. A typical South African production is funded from a combination of soft and hard funding from the following sources, such as seed funding, equity, recoupable grants, venture capital, crowdfunding, tax incentives, and licensing fees.

Challenges facing the Film industry in South Africa remains a lack of coordination among key government departments within the social and economic cluster. Joffe (2019) adds that “a confusing and disturbing trend has been the possible competing mandates and duplication of roles, programs and interventions between key government institutions including but not limited to the DAC, NFVF, DTI and provincial film commissions”. Compounding these challenges, I observe it is also the outdated policy frameworks of culture and arts management as is the case with the NFVF Act and heritage, arts and culture policy which delays a coherent policy implementation.

The NFVF as a schedule 3 public company is established by an act of law, structured with a board of directors or council mandated with authority to oversee the management of the organisation. According to PFMA (1999) amended governance regulations, the Board’s delegation of authority is publicised in the gazette to serve on behalf of the ministry which acts as the shareholder, meaning that the minister is the final arbiter of appointment of board members once the call of expression to the industry is completed.

The NFVF has been plagued by a number of governance challenges, alleged corruption and operational interference by the Board and political interference by politicians. A study of the NFVF annual statement reports and portfolio presentation to parliaments in the last two decades makes the organisation an ideal publicly funded cultural institution as a case study. A great deal of efforts by the researcher to interview film experts and cultural activists who were instrumental in advocating the establishments of the NFVF is triangulated with views, factual records of governance

activities to set out an empirical study of how tensions between political and administrative decisions have shaped governance in cultural institutions funded by the government.

The NFVF's objectives are to establish and upgrade the film and video sector by encouraging the supply of opportunities for people with disadvantaged backgrounds to engage in the film and video sector and to motivate the establishment and the disbursement of local film and video productions. Additionally, NFVF is expected to assist in developing and maintaining access to the film and video sector to address historical imbalances in the distribution of skills, infrastructure and resources" (NFVF, 1997: 2). The NFVF reports to parliament and operationally recognised as an agency of Sports, Culture and Arts department

According to the NFVF's Film Industry Economic Impact Assessment Study (2017) estimated the film and video industry R5,4 billion contribution to the Gross Domestic Product (GDP) of the national fiscus and creating over 25,000 temporary and contract-based jobs across the value chain. Jobs are created in production, casting and crewing agencies, post-production facilities, equipment hire companies, set design, manufacturing companies and prop suppliers (NFVF, 2012). To achieve its mandate, the NFVF has four central programs anchored as pillars; these are film and video training, grant funding, production support and film incentives. Based in the economic powerhouse, Gauteng Province and servicing all filmmakers across the nine provinces in South Africa, the service delivery footprint of the agency is also supported by provincial governments and film commissions particularly in the Western Cape (Wesgro), KZN Film Commission and the Limpopo Film Commission.

3.4 Data Required to Answer Central Research Questions

In order to address the central questions, the researcher depends on official government records (annual reports, portfolio committee presentation, Auditor-General reports), interviews from the field with former NFVF council members and staff members serving at senior management level.

3.5 Triangulation of Sources of Data from NFVF

The sample of the population is derived within the context of the NFVF operating from its headquarters in Johannesburg. By permission granted by the institution, the

researcher had access to data and other official documents such as a volume of annual reports and approved Quarterly Performance Reports (QPR). Population in this regard refers to people the researcher makes inferences about and who have been instrumental in the formation of the NFVF and have subsequently served the NFVF at a board level and as leaders of the institution. The sample refers to the population that Goetz and LeCompte (1984) termed as criterion-based sampling, a process whereby a researcher develops a way to investigate a subject matter prior to the meeting. Burgess (1982) reflects well that selection of qualitative research includes looking at where the observation will take place, when, with whom and what to observe as well as how.

A selection of subjects for data collection is from a population that has the same characteristics. Selecting subjects was purposive with a sample selected from a group of people to learn (Chein, 1981), the researcher identified relevant informants with a certain level of expertise and experience about the state of cultural institutions such as board members, CEO's (former and current), politicians and executive administrators. Techniques of ethnographic observation which incorporate observation skills, conversations and participation when in the working environment of the case study.

The use of primary source from interviewees and ethnographic observations through individual interviews are important because they provided much-needed information about the case study and policy implementation contradictions. Secondary data used included literature on the film industry, portfolio committee presentations, publication of newspapers, formal press releases, official speeches and academic textbooks and video recordings such as "Culture in another South Africa" documentary" to formulate the historical chronology of the case study. "These documents are an important source to the study of norms and ideologies in cultural policy, which is the first democracy dimension" (Vestheim, 2007:226). The interviews were held with partakers of the NFVF government officials at national and provincial levels, including some leading scholars, were conducted.

3.6 Data organisation from Case Study

The use of language was not only confined to English as a medium of communications; participants were permitted to express themselves with their command of the language

they are comfortable in. Language can be used to persuade participants to be comfortable and confident in allowing information to be released from memory, so the study examined if those trends exist and how best it can be accommodated within this study to enrich the knowledge. Consequently, the generation and impact on the reality of participants in the film industry and the policymaking process were observed.

The information collected from key informants from the case study was analysed against conceptual frameworks which act as a standard measure. A critical factor when conducting in-depth interviews was to juxtapose and synthesise data from participants against the policy documents or official records to limit the risk of being bias. Gunter (2000) highlights those researchers using the critical and interpretive research approaches and argues “this is one of the methodologies that tend to be excessively subjective and relativist.

Categories separating the data were formed along with the research questions and their responses for commonalities to develop themes. Responses to each question were compiled and patterns highlighted, compared, matched and analysed against the literature of the study. Reviewing texts, summarising, collating and ascertaining the occurrences of specific comments, terms and finding meaning contributed to the argument of the policy was done, including identifying the rhetoric used in policy documents.

Baxter and Jack (2008) argue that “a major feature of a focal case is on using several sources to strengthen data’s credibility. In this study, the sources of data include interviews, participants observation, archival records, official documents, presentation, direct observations, physical artefacts and publications of newspapers. Some government’s data proved essential because of the information on institutional establishment and implementation as well as challenges of policy and success. Some data covered the publications on the policy of culture, creative and cultural industries, film policies and strategies, publications, textbooks, autonomy, the arm’s length and public accountability

In some instances, executive managers and CEO’s were directly asked if they have ever received a political mandate that was against the institution’s annual plans and politicians were asked if they ever asked for personal favours or given an improper instruction to administrators.

Existing knowledge from a textbook on model's governance and principles that ensure autonomy was used to deepen the researcher's understanding of concepts in these instance key scholars in the field of cultural governance were read as key discussants in the data analysis. Based on outcomes from thematic analysis, assessment of data against conceptual frameworks as well as literature review, a minutiae aspect of the textual analysis was applied in the form of content analysis to examine primary and secondary texts that are, policies, strategies and interview transcripts. The use of primary texts that is government policies, strategic documents, annual reports and individual in-depth interviews proved essential because it supplied much of the information about institutional formation and policy implementation challenges and successes. Secondary texts used covered the literature in cultural policy, cultural industries and film industries, publications of newspapers, press releases, speeches and academic textbooks and video recordings on the subject to map out the definition of the concept cultural governance, autonomy and accountability.

3.7 Protection of Sources, Ethical Consideration and Limitations of Study

The section of the study focuses on the limitations that have the potential to restrict some of the conclusions the researcher arrived at. As a disclaimer, the limitations of this study are noted so that the reader has enough appreciation of the context to thereby evaluate the impact and relevance of the conclusions. A research publication titled "How to write about your study limitations without limiting your impact" (2015) describes ethics as similar to norms conduct that differentiates from the right and wrong actions. However, more in-depth inspection focuses on ethics as a way or approach of analysing complex issues. Resnik (2015;04) describes ethics as 'norms for conduct that distinguish between acceptable and unacceptable behaviour; however, a deeper introspection will focus ethics as a method, procedure of perspective for analysing complex issues. This research desists from piracy, lies, inaccurate data gathering, disorganised data storage, as well as dishonest disengagement.

All participants and informants of the research participated voluntarily and without coercion accepted the precautionary measures outlined for the research. Consent was solicited in writing after the Participants Information Sheet, and Consent forms were read and signed before interviews were conducted. Of the entire sample of the

population that participated in the field, the most senior principals such as former CEO's and chairpersons of the council were eager to participate in the one on one interviews. They were willing to be recorded on tape. The few that asked for confidentiality and anonymity such as senior managers and junior staff at DAC and the NFVF requested that the tape recorder be stopped when confidential information in line with disclosure of state information. Within this confinement, only handwritten notes were captured, and anonymity was guaranteed.

The researcher has placed a great deal of considerations and measures in adherence to abide by the standing Wits University Research Ethics Committee rules and the standing guidelines of post-graduates' students under the tutelage of the supervisor. The study process espoused values of integrity, honesty, professionalism, respect, openness and inclusive communication. Partakers were informed of the aims and made aware of the research and participated voluntarily. The participants' rights of confidentiality and flexibility of their time schedule have been considered in the time schedule. Acknowledging that issues of ethics cannot be foreseen or predicted, as the researcher, I was sensitive to avoid hurt or cause harm to participants by intruding or exploiting partakers trust in the process.

The key advantage of the case study is based on the use of qualitative data and helps explain both the process and outcome of a phenomenon through complete observation, reconstruction and analysis of the cases under investigation (Tellis, 1997). One of the major limitations is that the NFVF as a case study does not provide a full understanding governance dynamic in cultural institutions funded by the government as organisational dynamics varies from one institution to the other. Another limitation for this endeavour is the inadequate literature in the critique film of the film sector in South Africa. However, there are several NFVF commissioned research reports, SACO (South African Cultural Observatory) and international academic literature. Other limitations are that themes such as governance models and management principles are analysed only in relation to the film industry rather than the landscape cultural domains throughout the period of pursuance. Future studies will be important to evaluate how the NFVF compared to other institutions funded by the government like Film and Publication Board (FPB), and provincial film commissions are applying the governance principles against the weight of politics and their public

service mandates. Enough attempt was made for this study to acknowledge all sources of data throughout the study.

3.8 Chapter Concluding Remarks.

This chapter presented a method of research, and the rationale of techniques applied was shared. The research design was adequate to offer insights and nuances through the utilisation of the case study, albeit weaknesses being proportional to answer the overarching research question. The primary source was interviewed by the principal actors associated with the case study both from the political and administration sides. Research limitations and ethical considerations were also covered in this chapter. The weakness of the research is that the sample size of the study was limited against a pool of many other similar publicly funded cultural institutions. There's also limited literature on cultural governance, most particularly on the governance activities of cultural institutions funded by the government. The chosen case study is located in Johannesburg and operates predominately in Gauteng with skeleton reach in the Western Cape (WC), Kwa-Zulu Natal (KZN) providing for a limited experience of participants because it is not total representation of the entire ecosystem of governance practices and principles. The study does not venture into the management objectives and practices of the NFVF as an organisation. It is important to note that the researcher was a participant observer. The research must be anchored within the discipline of Cultural Policy studies and public administration. The chapter presents findings on three central research questions.

Chapter 4: Contextualisation of Governance dilemmas in applying the Arm's Length Principle within Publicly Funded Cultural Institutions (PFCI) in South Africa.

The chapter presents findings on three central research questions outlined in chapter one which seeks to examine how principles of governance are applied in cultural institutions funded by government and whether these models are effective for them (PFCI) to deliver on their mandates. The primary data was sourced from in-depth interviews with experts in cultural policy, former CEO's associated with the institution, senior managers and board members. Secondary data sources are largely from official government and formal documents (annual reports), newspapers and formal correspondences. The third source of data presented in this chapter was the researcher's ethnographic participant observations from attending NFVF public events and meetings. The participants interviewed in this study were notified, and the consent was solicited through voluntarily and uncoerced participation. The profile sample of participants represents the cultural and creative industries eco-system derived the South African public servant, academia, cultural experts and media journalists.

Primarily, this chapter describes an outline which locates the case study as one of the critical domains of the cultural dispensation and is constructed by providing empirical evidence of governance that demonstrates cycles of lapses. The findings of this study are presented as themed reviews answering the central research questions as:

1. How is the Arm's Length Principle applied in the governance of cultural institutions in South Africa?
2. What models of governance do cultural institutions have in executing their public mandates, and is there convergence of models for effective management?
3. The delegation of powers located in the ministerial handbook and the public service administration of accounting officers are instruments to ensure a complementary style of management, why are these instruments not effective?

In answering each of the three central questions, triangulation of the three main sources was done to test sources and strive for rigour and credibility of the study.

4.1 The case study and its application of governance principles for autonomy

The NFVF was envisaged to be an independent statutory body in order for the purpose of achieving a legitimate autonomous institution status. Why is that not the case? Keyan, Tomaselli ((1979, p 119) argued that "films are classified as art, and more importantly, as being a tool for the investigation of reality and the critical examination of society. The social goals of a subsidized film industry should be to stimulate the cultural progression of society through research, experimentation, exploration and new creation. In short, film as art should embody the progressive soul of a nation, give it form, externalize it and provide mirrors by which a society can discover who and what it is, the film is a method of reflection". The NFVF Act, no 73 of 1997 promulgated by parliament, is administrative legislation designed to establish the NFVF as an entity to regulate the affairs of film production. Assented by the President of the Republic on the 03rd December 1997 to provide administrative guidelines to set up a new organisation which was expected to manage its affairs and operations through Council thus to ensure independence. According to the key interviewee for this study such as Lindi Ndebele (Senior Manager DSACR a member of the Interim Film Fund task team in 1996 that was tasked to set up the NFVF), the process of setting up the Film Foundation was exciting and challenging because the NFVF Act 73 of 1997 fitted the characteristics of a classic publicly funded cultural institution. Firstly, the entity is publicized in the gazette and promulgated after a vigorous public participation process, and secondly, the entity envisaged to be funded by public funds. The Act further stipulates that "functions and method of work, prescribes the manner in which it is to be managed, governed to regulate its staff matters and financial affairs" (NFVF Act, 1997,1).

The Film Trust, according to ACTAG (1996) explicitly recommended that the council members (trustees) must be apolitical. The Government of National Unity's (GNU) White Paper which debated and promulgated in parliament in 1997 the formation of a film body, with the purpose to, "advise the Minister (of Arts Culture, Science and Technology) on legislation concerning the film and video industries; to approve funding applications for film and video projects and inform the public and cultural attaches about the film industry through appropriate publications;" however (GNU, 1996: A 55). The NFVF was to be made of members representing the regional, race, gender and language composition of South Africa, will be headed by a Director, run by an

Executive Staff, and governed by a board of governors/council). The institution was to receive direct funding annually from the Department of Arts, Culture, Science and Technology and consider establishing provincial offices where appropriate. The Board was expected to draw up the aims and procedures of the Foundation in consultation with the film and video industry and was to be managed run by full-time executive staff, according to those guidelines strategically set up by the Council. This staff was made up of individuals with extensive knowledge of the film industry, associated business acumen, contractual and legal matters, film education and training, merchant banking, However, findings from the research field and my observations draw a problematic and contradicting statement.

4.1.1. Application of Governance Principles to ensure autonomy

Governance models and principles to ensure autonomy are generally about accountability and transparency. The appointment of persons to boards of state and state-controlled institutions as approved by Cabinet is issued by the government as stipulated by public administration, which determines that those responsible for conducting the appointment process must be familiar with the statutory requirements that govern appointments to boards. The framework, therefore, gives impetus to the NFVF Act to empower the Minister to constitute a Council. However, how the minister appoints members of council lacks checks and balances, particularly on the procedures and processes undertaken. The minister has the discretion to appoint a panel that shortlists 22 names of potential council members, and there's no open and transparent procedure that legislate the minister on the appointment of the panel and no checks and balances on the minister's final list.

Thus, governance principles are implemented through the appointment of an autonomous council. The purpose of the council is to direct the affairs of the organisation in fulfilling its statutory obligations set out in the law and to give strategic direction to the management of the organisation. Autonomy is one of the principles mentioned in the White Paper on Arts, Culture and Heritage (1996) that guarantees full independence of arts institutions, organisations and practitioners away from party politics and state interference. The principle of autonomy ensures that the decisions and information pertaining to the establishment of these cultural funded institutions are open to public scrutiny. Mfundu Vundla (NFVF Council Chairperson -2003-2006) said that the "council performs its fiduciary duties by ensuring that it established policies

and approves annual performance plans, budget and annual financial statements and act as the film advisory to the minister”. This view is supported by Themba Wakashe, the former Director-General (DAC) who during those early beginnings was the Chief Director responsible for the coordination of the NFVF in 1999. He opines that the film body was mandated to position the South African film products both locally and internationally through the convergence of industry initiatives and to focus on strategies (capital requirement, fund allocation, training and development, audience development, marketing and communications and development of SMME’s in the film). Both Wakashe and Vundla attest that the role of Council is the proper adequate mechanism needed by the sector to ensure separation from political interference.

The other instrumental practical guide for cultural institution funded institutions is to comply with the implementation of Kings Code of Conduct (King IV) prescript in adherence with the Treasury regulation. The appointment of the council is a public process in which a general public announcement to the film and video sector is issued for nominations to serve on the council. The nomination process is followed by a skills criterion of individuals with understanding and experience in the film and video industry. The members of the council are remunerated in line with the National Treasury guidelines and the Public Finance Management Act. Potential council members must demonstrate skills and knowledge in finance, marketing, cultural and social research. According to Vundla, the problem with the selection of the boards is that the Ministry is seen to be appointing people not based on experience and knowledge of the film sector. Vundla reveals he notices that “most board members are lawyers or accountants with no knowledge of the sector and that defeats the intention of the arm’s length which is defined to mean peer review and quasi-independence.” Accordingly, the procedural guidelines of the appointment of council/board as stipulated of the NFVF Act no 73 of 1997 is rendering the process to political risk and manipulation.

According to the Act, the minister is responsible for the composition and establishment of Council for the period set up by the Act in consultation with the public. The Act stipulates that the council members shall be appointed by the Minister from a shortlist of no more than 22 names, that nominations for inclusion in the shortlist shall be obtained from the public in the prescribed manner, that an independent panel

appointed by the Minister, shall compile the shortlist from the nominations after interviewing each nominee in public” (NFVF Act, section 6).

The observation from the film sector has noticed scepticism about section 6 of the NFVF Act. Mpho Molepo, the founding member of the Alexandra Arts Academy, a licensed arts school that offers Film training, argues “that the Minister cannot be a referee and a player at the same. He further adds that “the minister in this regard is the judge and the prosecutor because according to the NFVF Act no 73 (1997) the minister is empowered to appoint an own panel to shortlist only 22 names and makes a final list of 9 or 15 councils.” The NFVF Act in section 7 presents qualifying criteria of council members to include “persons who have special knowledge or experience in the film and video industry and that no member of Council shall hold office in any political party or political organization”. The law is found to be generally weak on members of the political parties who openly participate in the activities of that political party.

Persistent allegations about members of the governing party as favoured to serve on the NFVF council since it was founded has been witnessed for years. However, for this research, no empirical evidence was found to support such claims. One of the concrete concerns on the selections of council members has been the concentration of legal and accounting professionals appointed to serve on the council. Section 7 of the Act stipulates that “specialist skills which are not directly related to the film and video industry, but which are beneficial to the council” can be considered. Vundla argues that council members who have no experience of the film and video sector are problematic and lack passion and the understanding associated with the sector. This view is shared by many arts administrators who believe that there are a huge concentration and preference of auditing skills and lawyers (professionals who are struggling to find work in their field) are favoured to serve on the NFVF council board for remuneration fee against skilled and experienced arts administrators or cultural practitioners.

The King IV (IODSA, 2016) guides and makes provisions that “a nominations committee in the process of appointing boards is applicable to SOEs. Additionally, King IV guides the public institutions funded by the government and SOE’s to deploy a set of collaborative efforts between the accounting authority and the accounting

officer. In response to this, a study by the Gauteng City-Region Academy (2014) highlights that the “deficit of trust between citizens and the politicians.” Accordingly, the NFVF Act is perceived as having concentrated too much power to the Minister who by appointment is not a representative of the sector through peer review mechanism as understood by the White Paper (1995) but a politician deployed by a political party system.

4.1.2 Achieving Arm’s Length through Appointment of the Board Chairperson

The appointment of the chairperson of council is one of the most highly vocalised issues that is currently occupying the governance discourse of publicly funded cultural institutions or state-owned enterprises. According to governance principles, as espoused in the Code of Governance Principles for South Africa (2009) also known as King III, boards must be at the centre of governance. In the case study, the appointment of the chairperson by the Minister undermines the arms-length principle. The NFVF Act states that “the chairperson of the council shall be appointed by the Minister from amongst the members of the council and such person shall be the chairperson for the period for which he or she was appointed as a member of the Council (section 4, paragraph A). This is in contrast with King III, which stipulates that “Board (Council) must elect Chairperson who should be an independent non-executive director”. Former advisor to the Minister and playwright, Mike Van Graan argues that this is an anomaly because “prior to this, councils elected their own chairperson, so that s/he was accountable to the Council and the institution they governed, rather than to serve the wishes of the minister and the ruling party, or be seen to have or actually to have more political weight than other members of the governing council” (2010;3). Vundla confirms that his election as the NFVF chairperson of the council was through Council processes and not an appointment by the Minister. However, there are no records to disprove or confirm Vundla’s statement among the secondary data of this study.

The NFVF Act provides a straightforward process on how the appointment of the chairperson further illustrates that it is the Minister who convenes the first council meeting at a date and venue of choice and that meeting shall be chaired by the DG (Director-General). This “anointing ceremony” to appoint the chairperson of the council at a meeting presided by a senior administrator in the department of arts and culture, sets the tone of power relations in how the council is constituted because the Minister

criteria of the chairperson are not taken through a process of transparency and credibility weighting. The appointment of the chairperson amongst fellow council members creates personal dynamics in how the council autonomy status becomes influenced. The following chairpersons were appointed by the Minister seen the beginning, Shan Moodley (1998-2003), Mfundu Vundla (2003-2007), Charlotte Mampane (2007-2010), Mmabatho Ramokgoshi (2008-2012), Phil Molefe (2012-2020). The criteria of appointment of the Chairperson not been established or debated in public and equally not challenged in a court of law although the Act does stipulate that members of the public have the right to appeal the appointment of any member of the council. Through an inquisitive mind, the appeal goes through writing to the same Minister of Arts and Culture, conflict of interest perhaps and how would that be fair?

4.1.3 Upholding Arm's Length through Appointment of the Accounting Officer

The Act regulates the appointment of the accounting officer. According to the Act “the chief executive officer shall be responsible for the management of the affairs of the council and shall report on those affairs to the council as often as may be required by the council” (NFVF Act 1997, 13). In line with the separation of powers, the Minister appoints council and council appoints the CEO who delegates responsibilities under the auspices of treasury rules and other related laws and prescriptions. Eddie Mbalo is the longest-serving CEO of the NFVF (2000-2011) and is currently the Deputy Chairperson of the Gauteng Film Commission Board. Mbalo says that since the establishment of the NFVF right until the current situation, the appointment of the CEO has always been a difficult process even though it's supposed to be easy. Along with this, a newspaper article of City Press, 26 August 2018 and the portfolio committee demonstrate a pattern of conflict between the Council and the Minister in relation to the preference of the suitable appointment of the CEO at the NFVF. However, the formal process in how the appointment of the CEO is conducted has never been a dispute according to all formal documents. In most instances, the conflict develops through Council members who either have interests in operational or some members of Council developing a complex to see themselves better knowledgeable than the CEO. For example, Eddie Mbalo joined the NFVF as a Council member in 1999 when the NFVF was launched, and within a year he was asked by Council to become the caretaker CEO after the was original incumbent was suspended.

According to some respondents, Mbalo was always positioned for the CEO position, but due to qualification criteria earlier, he could not be considered. However, Mbalo denied the accusation indicating that there was intense lobbying by other Council members to the Minister to appoint him. The other controversial and short stint tenure was the appointment of Karen Son who was the CFO (Chief Financial Officer), Son was appointed CEO at the time when a new board was being interviewed by the Minister. According to Mbalo, when interviewed in 2010, the process of recruitment of the CEO had the blessings of the Minister, the recruitment strategy was inward-looking. Mbalo was quoted as saying “to ensure a smooth changeover, our controlling department has suggested that I remain in my position until June 2011, the post of the CEO will be advertised internally, and if there is no one suitable, it will be advertised externally; however, I do believe that there are internal people who are capable”. This statement by Mbalo was seen by the incoming Council as Mbalo trying to choose his own successor and consequently, the appointment of Karen Son was rescinded.

The third incident involves the outgoing NFVF council (2020) in which the Council Chairperson Phil Molefe and the other members were in dispute about the candidacy of Shadrack Bokaba who according to reports (specify name and date of report) was a Council member who after the resignation of Zama Nkosi was appointed from Council into Acting. Bokaba went on to apply for the position when it was advertised but was overlooked by the Minister. The preference of the appointment of the CEO is linked to “interest” by governance stakeholders whereby, both the Minister and Council want to have a CEO candidate of their preference. The Minister as the shareholder representing the interest of government over the publicly funded institutions and the Council is required by the Treasury Regulation 29 issued in terms of section 79 of the PFMA to enter a shareholder’s compact, wherein the Public Administration Act stipulates the role the Minister has over state entities and agencies, the NFVF Act is certain about the role of the appointment of the CEO.

4.1.4 PFMA (Public Finance Management Act) a measure of financial control.

The NFVF also applies the arm-length principle through implementing the Public Finance Management Act (PFMA) which according to the law is a regulation for the financial management to ensure that all revenues, expenditures, assets and liabilities are managed efficiently and effectively, as well as, to provide for the responsibilities of persons entrusted with financial management. Ndebele reiterates the importance of

the PFMA in ensuring that public funds have utilized “measuredly and prudently and to avoid the risk of waste and corruption. Along with this, the preamble of the Public Administration Act no 11 of 2014 requires all spheres of government to provide an effective, efficient, transparent, accountable and coherent government for the Republic to secure the well-being of the people and the progressive realisation of their constitutional rights (Public Service Act, 2014).

In this regard, the NFVF is compliant with the Treasury Regulation 29 issued in terms of section 76, which instructs the Minister as the shareholder to enter a shareholder agreement with the Council. The shareholder agreement outlines an agreement on the strategic mandate and defines performance expectations which are guided by the Framework for managing programme performance as issued by the National Treasury. According to the 2018 Annual report to the Portfolio, the NFVF practices the “GRAP” a standard of Generally Recognized Accounting Practices applicable to schedule 3 state-owned enterprises and in accordance with Treasury. Along with this, Vundla states that the Council is responsible for implementing internal control systems that have integrity and reliability. In line with the Act, the NFVF Council has an external advisory committee chaired by an external accounting professional to chair the ‘Risk and Audit Committee responsible for oversight of financial performance.

4.1.5 Leadership

On leadership values, 90% of the participants who commented on the independence status of the film body held deep feelings about how politics have polarised cultural institutions funded by governments. Approximately 98% of participants believe in the ideal aims of the arm’s length and recalls how it was lobbied for, at the ANC’s “Culture in another South Africa Conference” 1998 in the Amsterdam. Other participants mentioned the Jabulani Freedom of the Airwaves Conference in Film of 1991, the Netherlands or the Writers Conference 1992. These conferences were efforts by creative thinkers, anti-apartheid cultural activists across the political divide and ideologies to force unity about the future of the arts in a democratic dispensation. Attendees were liberals galvanised through the mass democratic movements, others from the United Democratic Front (UDF), the ANC Cultural desk, the Black Consciousness Movement (BCM) and underground Communist Party of South Africa members.

Dr Lance Nawa, established scholar and former public servant in culture observes that the principles like autonomous and independence were based on a notion of anxiety because during the early years of constituting a democratic government policy was contested terrain. Nawa acknowledges the importance of the separation of powers in how the state serves its mandate, the fact that the Arm's Length found expressions in the 1993 Cultural Institutions Act, he claims that the definition of the principle serves a "particular agenda". Moreover, Dr Nawa sees it as irresponsible for the government not to monitor the arts, especially when the same government is tasked by the people to allocate resources. Furthermore, Dr Nawa, who adds that "the arm's length shouldn't be used to be antagonistic towards the government as the arts are part of the state."

4.2 Accountability for effective management

The model of governance in the establishment of the case study is in line with the founding legislation. The models of governance that cultural institutions explore in executing their public mandates determines the convergence of models for effective management. There are various models in which cultural institutions funded by the government can execute their mandates; therefore, accountability is an essential key indicator, accountability is defined in the white paper meaning as all arts bodies and institutions that are receiving public funds are accountable to the arts community, the public and a democratically elected government". In relation to the NFVF Act, the principle meant that the film sector would coordinate its strategic orientation and operate quasi-independently with support from the state.

The NFVF Act must be read concurrently with the cultural institution's Act of 1998 which stipulates the creation of arm's length councils in the domains of cultural industries such as the establishment of the National Arts Council (NAC). The Act (1998,4) "provides for the payment of subsidies to certain cultural institutions and provides for the establishment of certain institutions as declared cultural institutions under the control of councils". According to Wakashe almost all arts councils be it the performance theatre, heritage and museums council are regulated by this law, and that also extends in large to the NFVF".

The organogram of the NFVF is aligned with the general standards of management in accordance with governance guidelines of the PFMA Act, the Companies Act, Labour

Relations Act and the South African Receiver of Revenue Act. The NFVF is annually audited by the Auditor-General as prescribed by the South African laws although, there's concern by participants that the Auditor-General's billing and fees are costly for an organisation the size of the NFVF. A former CFO at the NFVF argues that the Auditor-General will be a permanent feature due to the memorandum of agreements entered by the PFCI and Treasury in strict adherence to accounting for public resource allocated to the bodies such as the NFVF. However, the lack of governance models specific to the dynamic needs of the sector has turned the NFVF to be inward-looking and concerned with auditing compliance exercise and overreporting on administration templates of the DAC.

Central to the performance management of the NFVF is how it implements governance practices in line with best practices. In this regard, the NFVF is supposed to adopt the King Report as an administrative tool of monitoring and evaluation. Established in 1992, the King Reports are a set of governance rules and frameworks. The King Committee which derives its name from Prof Mervin King is tasked with providing a set of corporate governance guidelines for South Africa. According to the NFVF 2019 Quarterly reports, the NFVF Council governance committee has held induction workshops and strategy sessions, but no evidence of board evaluation could be found for this research.

A participant from the external auditor inspector the Council and Management of the NFVF ensures that processes and practices are reviewed on an ongoing basis to ensure adherence to acceptable corporate governance practices are continually benchmarked against international best-practice as verified by the external auditors. The Council and Management interviewed believe that the organisation has substantially applied and complied with the principles incorporated in the Code of Corporate Practices and Conduct as set out in the King Report on Corporate Governance for South Africa 2002, as well as the Protocol on Corporate Governance in the Public Sector 2002. This, according to Ndebele, is a significant improvement from the NFVF that was plagued by governance challenges in the past five years. According to Ndebele, employees and Council members at the NFVF are expected to conduct their affairs in accordance with the law and the spirit of the corporate governance principles and practices requires that a separation of organisational and

private interests through the adoption of ethical standards of business is being adhered.

Both the NFVF Act (1997) and Cultural Institutions Act (1998) have a convergence of governance models. The difference is primarily in the dynamics and political motivations of how they were established, wherein the film body is specifically in reference to the needs of the film and video sector. The cultural institution's Act was in the main seeking to preserve old establishment with the needs to open the sector to cater all as declared by the Ministerial powers.

The other convergences are the PFMA framework in line with the NFVA Act, particularly in the composition of the independent advisory Risk and Audit by Council. According to records from the annual reports and feedback from the Portfolio Committee, the financial systems and controls of the NFVF have proven to stand the test of compliance as confirmed by the 2018 Auditor-General's statement. A participant from the external auditor inspector the Council and Management of the NFVF ensures that processes and practices are reviewed on an ongoing basis to ensure adherence to good corporate governance practices are continually benchmarked against international best-practice as verified by the external auditors.

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According to Wakashe, the ministry of arts and culture ensures that the NFVF and other PFCI are held responsible by managing reporting by public entities through quarterly submission, which happens every three months of the year. The department also makes certain that budgeting processes are complying with government strategic

planning cycles. The department ensures that general administrative issues pertaining to the governance of PFCI are in line with all statutory requirements in line with government planning cycle or the MTEF. In the case of the NFVF, Lindi Ndebele (Chief Director, Film Unit) is emphatic that the DAC responsibility for the NFVF is to ensure that the institution distributes funds to film projects and to create local and international markets. Mfundu Vundla states that funding for film projects allocated to the NFVF by the department is meagre because the Film sector remains underfunded.

Convergence can also be noticed in the structure and organogram of the NFVF that is aligned with the general standards of management in accordance with governance guidelines of PFMA Act, Labour Relations Act and the South African Revenue Act. The NFVF is audited annually by the Auditor-General as prescribed by the South African laws; however, there's concern by participants that the Auditor-General's billing and fees are costly for an organisation the size of the NFVF. A former CFO at the NFVF argues that the Auditor-General will be a permanent feature due to the memorandum of agreements entered by the National Treasury and cultural institutions in strict adherence to accounting for public resource allocated to the bodies such as the NFVF. However, the lack of governance models specific to the changing conditions of the sector has turned the NFVF to be inward-looking and concerned with auditing compliance exercise and over-reporting on administration templates of the DAC.

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4.3 Instruments with a complimentary style of management

The NFVF Act stipulates the number of gatherings and seating the council can have, and it further states that council must meet at least four times a year or more, whereas this practise is adhered to, the NFVF interacts with the Ministry every quarter of the year in review. There is no communications framework that emphasis collective work and unity of purpose between the NFVF and the Minister. One of the reasons why the relationship between the ministers and cultural institutions funded is not significant is that the Minister as the accounting authority and the NFVF Council as the accounting

body is not effective is that there are not enough mechanisms in place to foster unity of purpose. This addresses the questions as to: **Are there instruments to ensure a complementary style of management, why are these instruments not effective?**

The delegation of powers between the minister and the operations of the NFVF specific to operational duties of the organisation relates to the concept of leadership. Mbalo argues that “leadership doesn’t mean management because the two concepts are distinctly different by definition and meaning”. Elaborating that, the Minister in terms of the role over the NFVF, must provide leadership, the NFVF Council, on the other hand, must play oversight over the management of the organisation, Mbalo said. According to Vundla, trust and working relations between the council chairperson and the CEO are critical but equally important is the relationship between the chairperson of council and minister.

The delegation of powers vested in the role of the Minister and the part of Council in how it discharges its duties are governed “by a regulatory environment with specific legislative requirements” (IoDSA,2011,7). On several occasions, the powers of councils and boards are weakened by the state apparatus when there’s confusion on responsibilities and accountability deficit. Wakashe recalls that during his tenure the ministry maintained a professional and cordial relationship with the NFVF. However, he recalls Mbalo as being efficient but also a bit of a maverick and shrewd as the CEO. The delegation of powers prescribed in the Ministerial handbook seeks to provide administratively and support assistance to a member in ensuring good governance with due regard to cost-effectiveness and efficiency. The guidelines must be read in line with the Executive Ethics Code published by proclamation in terms of Section 2(1) of Executive Members’ Ethics Act (1998), as amended wherein Ministers as members are required at all times to ensure compliance with the Executive Ethics Code while in office. Their effectiveness, together with the delegated powers to senior management, has been a cause of discussion over the years.

According to respondents, the Public Finance Management Act, 1999 (PFMA) declares publicly funded cultural institutions such as the NFVF as organisations that are under the ownership of the state. The NFVF is a government entity under the Minister assigned with the “authority status” meaning to carry financial and operational

responsibilities on the business activities that are fully financed or subsidised by the national fund, tax or levy. On technical grounds, the lines of responsibilities are complicated by the department setting the strategy for the PFCI, appointing the council members, enforcing its preferred CEO's and influencing unfunded mandates. Renowned Cultural Policy scholar Avril Joffe argues that the "the powers of the minister and of the council is a contested space that always demands a balance between developmental and commercial interests between a council and the minister. Joffe believes, a council must practice hegemony of leadership qualities and not be afraid to stand on principle.

The Constitution 1996 is the over-arching supreme law that sets with other enabling legislation established above, such as the Cultural Institutions Act and the NFVF Act. This Act finds translation and meaning through the Companies Act of 2008. According to Wakashe, there is generally a tendency for the institutions to run ahead of the Ministry or vice versa. Models of governance and principles to ensure autonomy and independence are about legitimacy and accountability. This is because 25 years into a democratic society, governance of the cultural institutions funded by the government and of the SOE's has come under heavy criticism. The success of the NFVF as a cultural institution depends on a transparent, principled and fair leadership between the Minister as the shareholder and the inclusive, responsive Council of the NFVF. To keep in line with best practices of governance, the Minister, through the portfolio committee, will need to review the process of appointing the Council to insulate the NFVF from political interference.

The experience and independence of the board as council members must conduct their fiduciary duties with integrity and be committed to discharging their responsibilities in line with the Act. One of the reasons regulations and instruments are not effective is that there are no models of governance that have been invented or customised by the NFVF to allow flexibility to the changing material conditions and competitiveness that have been advanced by technology as a disruptor. No formal records or data demonstrate that the NFVF is positioning itself to be a catalyst in the film and video sector besides conducting quarterly research about box office trends. Against performance targets of audience development, skills training and development, the NFVF has far too many targets that have stretched its operating budget. It is said that the NFVF is undertaking international markets visits to Europe

and the USA to position South Africa as a film destination; however, there's no proof of international breakthrough's that South African films are making in international markets. According to the majority of participants, the NFVF just like the DAC is programmatically orientated and therefore more event-driven than the intended institution seeking to maintain a lead in the film and video sector. A review of the NFVF model to embrace the future is needed urgently, and failure to adapt will render the NFVF obsolete in the foreseeable future.

4.4 Chapter Concluding Remarks

This chapter presented findings on three central research questions outlined which sought to examine how cultural institutions funded by the government achieve their autonomous status and whether model's governance is effective for these institutions to deliver on their mandates. The first question presented was an overarching open-ended structured question whereby respondents were asked how the arm's length principle is applied in the governance of cultural institutions in South Africa. Participants were required to use their understanding of autonomy as a concept in applying their reflective analysis based on organisational principles of governance experience. It's important to note that the interviewees were predominantly involved with the policy participatory process either as cultural activists, government officials, filmmakers whilst others were academics. The answers verified by literature and organizational responsibilities pointed to three contrasting dilemmas. Firstly, the difference between the ACTAG report (1996), the promulgated Arts, Culture and Heritage White Paper (1996) and the NFVF legislation. Secondly, the NFVF was meant to be an independent statutory body in the same mould as ICASA however, the first Council and management (1997-2011) failed to implement the resolutions of the Task-Group sub-committee on film as led by the tripartite (practitioners, academics, government) represented by Dr Martin Botha, Professor Kiyan Tomaselli and committee Chairperson Ms Basetsana Thokoane in 1995. Thirdly, the NFVF Act no 73 of 1997 was without transparency and delegated powers to the Minister under the DSACST to appoint Council thus undermining the independence of the NFVF and the rule of the arm's length. The appointment of Council members and the appointment of the CEO is the administrative tools to ensure that there is the insulation of the day to day operations of cultural institutions and particularly the NFVF. What has since become apparent is the process of policymaking from the participatory engagements of ACTAG report, the adopted of the White Paper and the establishment of the NFVF

tilted heavily to favour the political principals and party line to the detriment of the independence of the statutory film to be in favour of the transformation of film industries.

The second question was examining the models of governance cultural Institutions have in executing their public mandates and is there convergence of models for effective management. Almost all respondents agreed that the public administration legislative frameworks (Companies Act, PFMA, King Code of Conducts) and transparent and appointment of skilled boards/council members is the most effective means of ensuring that the application of arms-length principle breeds accountability. The PFMA which is a financial public finance management instrument provides a framework that guides and allocates functions both to the political sphere and the administrative arena and in the case of the NFVF, the finding determines that the institutions do have a decent model of governance albeit the misaligned appointment processes of personnel by politicians. The conclusion of the study is that the arm's length principle is undermined by the over-concentration of power appropriated to the minister by the NFVF Act. Additionally, this study concludes that the appointment of the NFVF Council by the minister influences its lack of autonomy and as the powers of the minister are not subject to the checks and balances. The next chapter corroborates the findings to the proponents of the study's conceptual framework.

Chapter 5. Corroboration of Findings, Theory and Literature

5.1 Introduction

The chapter discusses research findings with reference to the literature review and the formulated key research questions. Cultural institutions funded by the government are expected to achieve their imperative without political interference by applying models of governance and principles that ensure their independence. The protocol of appointments of the NFVF council and the accounting officer at the NFVF has put placed government and governance under scrutiny. The research uses conceptual frameworks of the cultural governance and autonomy as theorized by Chartrand and McCauley (1999), Copic and Srakar (2012) and public administration as discussed by Thornhill, Mafunisa (2000) and Cameron (1995) Hanekom & Thornhill (1983) and Thornhill (2012). The aim of the research is to examine how cultural institutions funded the government exercised autonomy and independence as a case study method. I argue that the organisational principles of governance, which was meant to guarantee the autonomy of the NFVF as an independent statutory body were intentionally seized for political expediency against the ideals of autonomy. Additionally, I argue that appointment of NFVF council, the council chairperson and the accounting officer are the results of political interference to the detriment of the ACTAG report of 1995, a film sector final policy submission to government anchored on the independence of the film. Thus, the dilemmas between the politically appointed council and administrators of cultural institutions funded by the government could be avoided. The results are presented in alignment with research questions indicated in Chapter 3 and observations discussed under the relevant research questions. The study concludes with a summary of the findings on salient points which will be discussed further in chapter 6.

5.2 Analysing application of the Arm's Length Principle applied in the governance of cultural institutions

The NFVF is meant to apply governance principles as a cultural institution funded by government and be insulated from political interference through the appointment of an autonomous council which is accountable to the Culture, Arts and Sports department. The NFVF Act and PFMA convergence with the Company Intellectual Property regulations strengthens administrative accountability in order to protect government funds and resources. The convergence of these models can be observed on the organogram of the NFVF that is aligned with the general standards of management in

accordance with governance guidelines of PFMA Act, the Companies Act, Labour Relations Act and the South African Receiver of Revenue Act. According to Mafunisa (2003,422), “the scope and complexity of government activities have become so great that it is often difficult to determine the actual locus of responsibility for specific decisions”. Friedrich and Finer (1935;337) argue that the “burgeoning bureaucratic power is the source of rapid expansion of government services and regulatory functions.” The government owns and controls 780 public enterprises with different types of models of governance that it becomes cumbersome for the state to monitor and evaluate their performance, thus rendering them vulnerable to abuse of power by politicians.

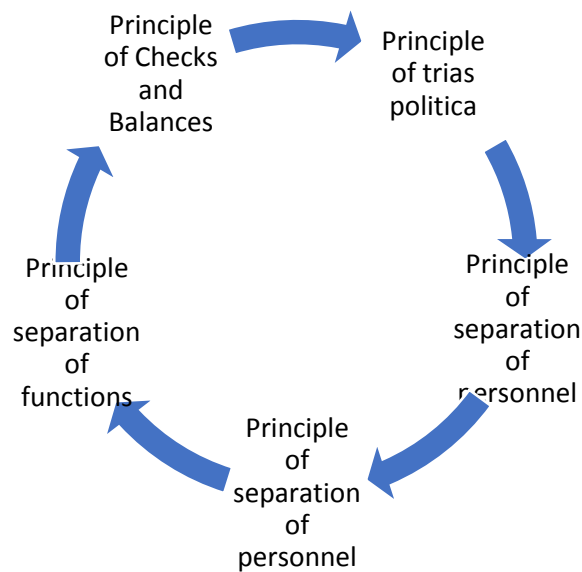
Chartrand and McCaughey (1989: 71) argues that models of governance and principles that ensure autonomy are “the basis of the general system of ‘checks and balances’ that are considered necessary in a plural democracy to prevent undue concentration of power and conflicts of interests”. The NFVF Act, no 73 of 1997, is thereby an enabling administrative tool which the NFVF applies to implement the arm’s length principle. Articulated and pronounced in the White Paper (1996) of Arts and Culture to insulate culture from political party interference. However, the NFVF Act has diluted mechanisms of checks and balances against the over-concentration of powers appropriated to the minister over the operation of the NFVF. Quinn (1997: 127-128) argues that arts council exist and operate with relative autonomy from central government”. Hewison (1995:32) adds that “the state’s relations with the institutions that it has not only created but which it also funds”, as a practical means of distancing politicians and civil servants from the activities they wish to promote. It is, therefore, a principle that is a mechanism through which legitimacy can be protected, and decision making can be monitored in the interest of the arts and “depoliticize highly contentious issues” (Cameron, 1985, 408). It is evident that the necessary policies, statutes and legislations have been put in place for NFVF to be run effectively in line with South African public regulations, but the use and application have proved difficult over the last two decades. The models of governance and principles to ensure autonomy have their roots in political theory which according to Borlea and Achim (2013) and Mallin (2016) is the theory that those politics have on governance structures. The strength of governance models is tested against how they are applied and implemented in the governance of cultural institutions and must be examined frequently for it to institutionalized.

The appointment of an autonomous Council

Research has established that the appointment procedure of the NFVF council by the Minister is not in line with the principles of autonomy due to lack of transparency and accountability. The respondents interviewed for this study raised questions of autonomy of the NFVF Council and concluded that the process of appointment of the council is compromised and vulnerable to political interference. (McGregor, 2015) notes that cadre deployment and patronage of political deployments are areas of concern as they create negative dynamics at the board level. Respondents were emphatic that such an exercise of political interference dilutes the autonomy of the council and the NFVF to act independently. Autonomy is a principle cited in the 1996 Heritage, Arts and Culture White Paper (1994) and it guarantees the full “independence of publicly funded arts institutions, organizations and practitioners away from party politics and state interference”. According to James (2009,65) “board appointments will continue to remain the domain of politicians as governments require the core public sector, which is run by people who are selected essentially outside the political process, to do their bidding, to reflect their translations of party wishes and voters' mandates”.

Autonomy must ensure that the decisions and information pertaining to the establishment of these cultural institutions, including the NFVF, are open to public scrutiny, but the NFVF council is not autonomous. The appointment of the NFVF council and the council chairperson by the minister compromises the legitimacy and credibility of the autonomy status as envisaged by the ACTAG 2015 report. By appointing council members without checks and balances, the NFVF becomes an extension of the Ministry and not an independent authority in the affairs of film. Pink (2009) notes that autonomy is a deep-seated need rooted in the psyche of all human beings and is an important contributing component that drives and motivates employee performance. Autonomy has its genesis in the separation of powers model for it to find expression. Montesquieu (1689–1755) first formulated the separation of powers doctrine by realising three tenets encompassing the state (executive, the judiciary and legislature arm)

Graph: Montesquieu ideas developed into norms. The illustrated graph provides a summarized concept of separation of powers.



The appointment of an autonomous council highlights that the NFVF Act no 73 of 1997 is not an effective administrative tool ideally envisaged by the founding principles of the Constitution of the Republic (1996) and expressed by the White Paper on Arts and Culture (1994). About 30% of respondents believed that it is premature to consider a review of the NFVF Act, given the political dynamics of South Africa currently. The appointment of an autonomous Council was not fully realised as the processes did not adopt the governance principles as contained in the regulations of transparency and accountability.

Upholding Organisational Principles through the Appointment of the Accounting Officer

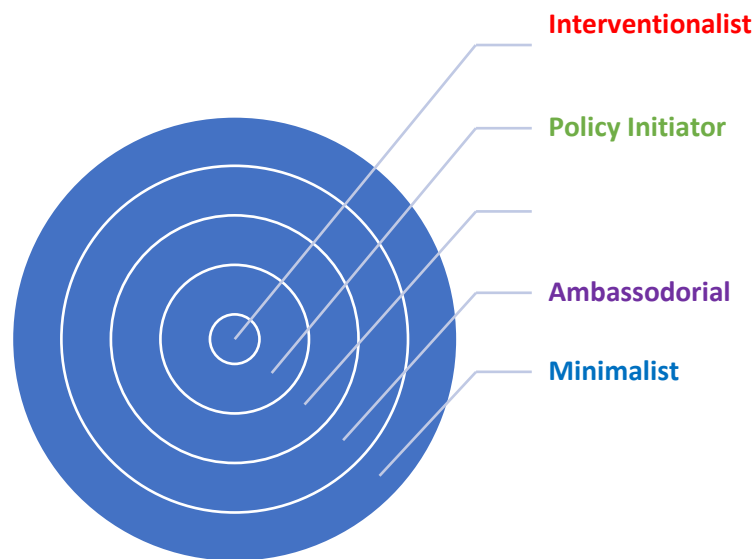
The governance of organisational principles at the NFVF is also applied through the appointment of the Chief Executive Officer (CEO). According to the Act “the chief executive officer shall be responsible for the management of the affairs of the Council and shall report on those affairs to the Council as often as may be required by the Council” (NFVF Act 1997, 13). Respondents who served as former chairperson or CEO of the NFVF believe that the relationship between the council and the CEO is crucial to the effective performance of the organization. Respondents believed that the task of the appointment, the CEO is the duty of council, but that is not the actual case between the NFVF and the Minister due to contestation of political and personal

interests. Personal interest arises when Council members according to minutes of the board (NFVF Council Minutes,2018) confirms an occurrence where Council members develop careerism instincts by availing themselves as candidates during the appointment of the CEO. This validates the point argued by Okeahalam and Akinboade (2003;24) that “there is a particular problem associated with the shortage of skills and lack of familiarity with board functions and fiduciary responsibilities contributed to poor corporate governance practices”. The latter highlights a slippery-slope dynamic that the public sector is corrupt with public leaders and officials who are self-serving and lack the moral authority to uphold ethical behaviour. The contestation and debates around the appointments of all CEO’s at the NFVF have been a constant battle between the NFVF, either between council members or a direct political interference as was the case with the appointments of Eddie Mbalo in 2010, Karen Son in 2011 and Shadrack Bokaba in 2018).

Governance needs strong and decisive leadership; the stakeholder perspective is crucial among other matters because it incorporates a pool of constituents. Hewison & Holden (2016) notes that the stakeholder theory holds the organization at the centre of all contractual relationships with the governance participants and emphasizes the role of each participant as a value-generator. Garvare and Johansson (2010.738) defines stakeholders “as actors that provide essential means of support required by an organization and are determined by the context and type of organization, and these may include suppliers, customers, employees, government and management. Governance models in cultural institutions funded by the government need effective management and depend on the interpretations of delegations power between the minister. The accounting officer is well prescribed by PFMA (2010) to ensure the complementary style of management, and as to why these instruments are not effective, Thornhill (2012,64) notes that politicians make political choices; however, these choices have to be considered within the framework of its administrative, managerial and technical feasibility”. This assertion of the minister’s management style over the NFVF is confirmed by respondents as being crucial to the success or the failure the organisation, for instance, Minister Dr Ben Ngubane (1994) Pallo Jordan (2003) and Paul Mashatile (2008) are praised for being consultative and complimentary of the administration of the NFVF unlike Ms Lulu Xingwana (2008) who was generally seen as aloof and out of depth with the welfare of the film sector.

The below graph outlines the types of style that ministers often adopt over a department as identified in the inner circle.

Graph: Thornhill Political Management style



Footnotes: Thornhill C definitions

Interventionist- involved in executive actions of officials (Liability).

Policy Initiator - focus on new policy guidelines (productive)

Ambassadorial - promotes policy direction of government(effective).

Minimalist - low profile and avoids unpopular decisions (counter-productive)

The NFVF council has a strategic responsibility towards the effective operations of the organisation, the members not only possess the right qualification, film or business experience to benefit the film sector but they must also pass through the eye of the needle test by championing ethical leadership values. To conclude, the Minister must not be allowed to influence the appointment of the CEO. Matarasso and Landry (1999,21) note, the risks of this approach “include the danger of political interference in cultural affairs, or simply an excessive control by the state of the means of cultural production and distribution, and a consequent stifling of creativity. The appointment of the CEO by Council be made in line with the Employment Equity Act, 55 of 1998 which acknowledges formal qualification, relevant experience, learning and the capacity to do work within a reasonable time as the criteria for such a candidate through a transparent peer mechanism method by an independent panel.

Public Finance Management Act (PFMA) a measure of financial control.

PFMA is an administrative regulation of financial management that ensures that revenues, expenditures, assets and liabilities are managed efficiently and effectively. The PFMA is a neutral model or a dichotomy model which Mafunisa (2003,87) laments that the “public servant should be neutral in matters of policy, but professionally competent in selecting the appropriate means to carry out policies decided upon by their political superiors”. The PFMA can be described to be a policy invention or what Fry & Nigro(1996:39) describes as “an instrumentalist view of the role of the public servant”. The respondents agree that NFVF through the NFVF Act applies the arm’s-length principle through implementing the Public Finance Management Act of 1999. According to the national treasury (2000), the “Act clarifies the division of responsibilities between the head of department (the accounting officer) and the political head (executive authority – either a Minister or an MEC). In relation to the NFVF, the accounting officer refers to the CEO and the authority will mean the NFVF Council which accorded the responsibility to make policy choices and outcomes, while the former (CEO) implements the policy and achieves the outcomes by taking responsibility for delivering the outputs defined in the departmental budget.

PFMA ensures that the relationship between the case study and the department are unambiguously conferred clear sets of responsibilities. The NFVF, through the accounting officer, prepares a budget for the Minister to approve and present to the parliament for voting. The respondents emphasized that the PFMA Act must be read and understood concurrent with the NFVF Act Section 16-18, which provides guidelines financial controls. The respondents who served at senior management levels and as CEO’s confirmed the findings of the study that the law provides for two special funds allocated to the NFVF, the Film and Video Initiative Fund and the Film Funding Fund. Matarasso and Landry (1999) note that there’s an economic dilemma of subsidies and investments presented in this equation because films are produced and consumed through the private economy with subsidies mainly from public funds (1999:43) Respondents confirmed that as per instruction of the Act, the funds are controlled and administered in accordance with the ACT and in line with PFMA.

Public administration is theory and practice (Cox III, 2019). The practical functioning of public administration demands that the role and functions of administrators and politicians must have utmost accountability to the citizenry. The public and public

administration are therefore inseparable, and where governance is concerned, accountability, responsibility, transparency and the rule of law applies. Fox, Schwella & Wissink (1991:2) defined public administration as systems of structures and processes, operating within society and environment with the objective of facilitating the formulation of appropriate governmental policy, and the efficient execution of the formulated policy. Hanekom & Thornhill (1983:176), analysis of the term public administration as a general application of the term public to be the function of administration meaning that administration is not concealed, it is open to all, it is the opposite of the private administration and affects society. It is therefore critical that the appointment of the final list of NFVF council members and their interviews be subjected to transparency measures and be subjected to public scrutiny in the same procedure, unlike the current appointments status, for instance, independent publicly funded institutions like the appointment of the Public Protector and the South African Broadcasting Corporation Board members. They are interviewed by parliament and the process broadcasted on television.

Wherein politics is about power acquired through a democratic process of elections, the NFVF Act must be analyzed within theoretical concepts that find expression in the organisational theory. The Agency theory is about the relationship between the principal that engages the agent to perform some service on their behalf, having delegated some decision-making authority to the agent through a metaphoric contract. In line with the NFVF, the minister delegates to the council which in turn must appoint the CEO who reports, and function tasks allocated by the Council. Broadly explained, the theory resolves the disputes over priorities and the differences in expectations and generally looks at the relationship between parties in which the agents represent the principal in the day to day transactions (Kopp, 2019). Ross (1973) and Mitnick (1975) are credited to have reshaped the theory of agency by presenting a set of key methods to knowledge. Ross (1973) regarded the agency model as the problem of incentives wherein Mitnick identified that problem occurs due to the institutional structure, but both arguments maintained the central idea behind their theories as to the ideas the same" (Leepsa & Panda, 2017, 5). The current NFVF structure is vulnerable to the latter, by appointing the council chairperson without checks and balances by the film sector, the relationship between the two principals (Minister and council chairperson) is a risk towards the autonomy and independence of the institution.

The NFVF in line complies with the ideals of the PFMA, according to respondents, the inclusion of the auditor-general duties in the NFVF Act ensures that the finances of the organizations are subjected to a vigorous internal and external process. However, for a medium-size institution with the small operating budget allocated, it is the researcher's view that almost 10% of the overall allocated budget is spent on auditing and compliance. This expenditure trends can be reviewed between the national treasury and the Council to subject the Auditor-General's fees to be renegotiated and reviewed. This will ensure that the budget allocated to programs and resources allocated to the stakeholders are utilized optimally.

5.3 Discussing models of governance practised by the NFVF in applying the Arm's Length Principle

Respondents claim that the NFVF Act prescribes to a corporate governance model of operation in a co-dependence and mutually benefitting relationship between the Minister and Council. Mafunisa (2000,89) argues that "complementarity stresses interdependence along with distinct roles, compliance along with independence, respect for political supremacy along with a commitment to shape and implement policy in ways that promote the public interest, deference to elected incumbents along with adherence to the law and support of fair electoral competition, and appreciation of politics along with support for professional standards". Models of governance are critically perused by the World Bank Report (2001) that stipulates governance as "the conscious management of regime structures, with a view to enhancing the public realm". The model governing the NFVF and other PFCIs present a dual and parallel dotted line of reporting structures where the entities are through the council, accountable to the shareholder and to parliament, through the portfolio committee. The Minister approves the NFVF strategy, budget and annual performance plan and by tabling reports to parliament. Governance models derive their meaning from the relationship with operating components such as a governance structure, oversight tasks, talent and culture, and infrastructure (Deloitte, 2012). An effective governance model improves management's capacity to implement governance and the board's capability to workout appropriate monitoring optimally.

Figure 2: Deloitte governance framework



Graph. Deloitte, 2012 depicting the NFVF Model of governance

The models of governance and the organisational structure of the NFVF have aligned with the intentions of the film sector in that there are a council and executive management to deliver the mandate to the sector in line with the theoretical understanding of film making. Hanekom and Thornhill (1983:48) state that theory is explored to outline a frame of reference and abstracted generalisation that may stand in lieu of facts. Theory inspires reasoning and an understanding of the frame of reference. The latter is vital in the process of decision-making in order to make rational decisions within organisations and improve governance in the Public Service. The model of corporate governance at the NFVF has entrenched and institutionalized bureaucracy and red tape over the objectives of the institution. The NFVF, like other PFCI, is experiencing an explosion of the audit process, making the models of governance inefficient and rigid for the stakeholders it serves.

The convergence of governance models

The NFVF Act and PFMA find convergence with the Company Intellectual Property regulations in order to strengthen administrative accountability to protect government funds and resources. The convergence of these models can be observed on the organogram of the NFVF that is aligned with the general standards of management

in accordance with governance guidelines of PFMA Act, the Companies Act, Labour Relations Act and the South African Receiver of Revenue Act. According to Mafunisa (2003,422), “the scope and complexity of government activities have become so great that it is often difficult to determine the actual locus of responsibility for specific decisions”. Friedrich and Finer (1935;337) argue that the “burgeoning bureaucratic power is the source of rapid expansion of government services and regulatory functions.” The government owns and controls over 780 state-owned enterprises under different types of models of governance that it becomes cumbersome for the state to monitor and evaluate their performance, thus rendering them vulnerable to abuse of power by politicians.

The convergence of governance of models and principles is, therefore, also about the pursuit of uniformity. Respondents further acknowledged that the concepts of political science and administrative accountability are “interrelated and complementary if efficient service delivery is to be achieved” (OECD,2015). Accountability, participation and transparency are critical within the ecosystem of governance.

The NFVF is annually audited by the General Auditor as prescribed by the South African laws; however, there’s concern by participants that the Auditor-General’s billing and fees are costly for an organisation the size of the NFVF. According to (Gavshon 1983: 14) “the indirect intervention of the state; the mediation of the profit motive; and the relative ideological unity of those who produce films” is a constant paradox for the state. A former CFO at the NFVF argues that the presence of the Auditor-General will be a permanent feature due to the memorandum of agreements entered by the cultural institutions funded by the government and National Treasury in strict adherence to accounting for public resource allocated to the bodies such as the NFVF. However, the lack of governance models specific to the ever changes needs sector have turned the NFVF to be are inward-looking and concerned with auditing compliance exercise and over-reporting on administration templates of the DAC.

Another convergence point is a composition of the independent advisory risk, and audit committee as advisory bodies to the Council established through the NFVF Act. According to annual reports, the financial systems and controls of the NFVF have

proven to stand the test of compliance as confirmed by the 2018 Auditor-General's statement.

Management functions are described as the way systems operate, Thornhill (2012,63) argues that "management argues it is the decisions taken regarding the different components of the system as well as how the managerial echelon operates to ensure that the resources are utilised effectively and efficiently by the line functionaries". The Management and Council members interviewed revealed that the organisation has considerably applied and fulfilled the principles incorporated in the Code of Corporate Practices and Conduct as set out in the King Report on Corporate Governance for South Africa 2002, as well as the Protocol on Corporate Governance in the Public Sector 2002. The NFVF is expected to conduct its affairs in line with corporate governance principles and practices, that requires a separation of organisational and private interests and the adoption of ethical standards of business.

5.3. Analysis of the Ministerial Handbook and the powers of the Accounting Officer

The respondents confirming the delegation of powers to the accounting officer and powers alluded that Ministers are meant to be complimentary for PFCI's to fulfil their mandates; however, these measures of governance have failed to be effective.

According to Svava (2001; 179), the complementarity of politics and administration is based on "the premise that political office bearers and administrators join in the pursuit of sound governance. Thornhill (2012, 57) argues that the "relationship between the political office bearer and the senior cadre of the executive institution is a critical factor in determining the success of a policy and should for some reason this interface not work, service delivery suffers. Respondents confirmed that boards are not entirely independent and are to a great degree influenced by the minister, the labour union or civic groups. According to respondents, one of the reasons attributed to the failure of the Act to be implemented and enforced is that it is common cause that interest groups (political parties, unions, civil society) submit names for nominations to serve on the council to serve a specific agenda. Thornhill (2012,67) notes that "the administrative/political interface must be clarified as far as accountability is concerned because the political body cannot in all cases be absolved for wrongful decisions which may result in wasteful expenditure. According to respondents, one of the reasons public administration prescriptions on the powers allocated to the Minister and the

accounting officers' delegations of authority are not effective is that the political interference undermines the intentions policy.

State-owned enterprises companies (SOE's) and Publicly Funded Cultural Institution exist to drive economic development and improve service delivery. For PFCI to achieve their mandates, government through their shareholding department, financial assistance and generally good support by the state are imperative. Rabilal (2018,32) argues that the quality of corporate governance depends on whether corporate governors have the capacity, knowledge, experience, expertise and integrity to make and carry out wise decisions in the interests of the shareholder, company and stakeholders including the public.

5.4 Summary of discussion

The results generated from the findings contribute to making the significance of the study and offers and validity. The results demonstrated both support of the existing literature regarding the dilemmas on how the arm's length is generally used with the NFVF as a case study. Primarily, the findings extracted deep and unique understandings investigating into the mechanism and depth of management practices. Discussion of findings on this study concludes that the NFVF Act is due for a review if the film sector is to continue serving the film and video with legitimacy. Boardroom politics and palace coups of the last 15 years (2010-2020) have ravaged the state of governance at the cultural institution to a state of disarray as proven by the 2019 DAC report on the findings of its investigations into allegations of corruption, fraud and mismanagement. Kuye & Mafunisa (2003, 423) notes that "the actual or apparent conflict of public duty with private or personal interest has been the cause of numerous scandals or unethical conduct for those in the public office occasionally with serious repercussion."

There are currently no standards of systems to counter the circumvention of policy by personal or political interference except for the ethics training and instrument to report crime or fraud. Political agendas, untrustworthiness and conflicting agendas are among the traits affirmed by partakers as the signs of a dysfunctional council or organisation, and the NFVF is not an exception. Council or Board also need to have multiracialism (gender, race, ethnicity, skills, experience, expertise, age and even geography to reflect the variety of understandings and viewpoints. The appointment of

an autonomous council in line with the values of accountability and transparency by the Minister is critical if the legitimacy of the NFVF must be restored. The appointment of the CEO by the council in line with governance best practices must be a consultative recruitment process that incorporates all stakeholders (the shareholder, council, labour and an independent audit body to ensure fairness and transparency).

5.5 Chapter Concluding Remarks

The definition of governance, according to the World Bank, encourages that civil society is part of the decision making affecting the welfare of that sector. My observation from fieldwork concludes; the Sports, Arts and Culture Ministry has critical issues, and this is affirmed by the imminent departure of Lindi Ndebele who after 26 years at the department is responsible for the film will render the department to have lesser requisite skills and capacity to decide the ever-changing policy imperatives related to the film. This is confirmed by the monopoly in the broadcasting sector enjoyed by Multichoice, the lack of transformation in the distribution value chain of films and emergence of technology as a disruptor that has seen the likes of YouTube, Facebook, Twitter, Ticktock and Netflix being without no legislation or policy by the department to regulate the new space. The NFVF governance models, therefore, needs to be reviewed through the NFVF Act to ensure it stays relevant if it so survives and reconsiders reporting to the Ministry of Trade and Industry in line with economic aspirations the film sector aims to achieve. The general assertion that South Africa has the best policy but fails in implementation is proven to be a valid declaration. Enough data collaborated by respondents demonstrated that the principle of separation of powers is intended to have checks and balances is diluted by the behavioural decision that circumvents good policies. There are currently no standard systems to counter the circumvention of policy except for the ethics training and instrument to report crime or fraud. Political agendas, untrustworthiness including conflicting agendas are among traits confirmed by partakers as the signs of a dysfunctional council or organisation, and the NFVF is not an exception.

Chapter 6: Conclusions- Application of Organisational Principles in Cultural Institutions funded by the government

6.1 Introduction

The study examined the governance models and principles of cultural institutions funded by the government. Governance of cultural institutions has been a subject of debates and investigations of forensic reports commissioned in the last quarter of the century, particularly in our country. The study focused on the claims of political interference, mismanagement, maladministration and corruption as having influenced unintended consequences in the control of cultural institutions funded by the government. The application of the organisational principles and models of governance serves as a means to support the arts from political interference. A purposive sampling technique was used, targeting experienced actors to examine how the autonomy and independence of cultural institutions funded by the government are applied governance models and effectiveness of the ministerial handbook, including the powers of the accounting officer—having answered my central questions. I argue that the principles which were meant to guarantee the autonomy of independent statutory body have been intentionally seized for political expediency against the ideals of autonomy. Additionally, I argue that the appointment of NFVF council, the council chairperson and the accounting officer are the results of political interference as also espoused in the ACTAG report of 1995. Thus, the dilemmas between the politically appointed council and administrators of the publicly funded institutions could be avoided with adherence to the application of the arms' length principle.

Independence is seldom exploited in a social or cultural vacuum; however, it resides in the specialised social fields; key amongst them is accelerated technology and historical contexts. Peters and Pierre (2004: 284) indicates that transformations for lessening the role of political leaders that have resulted in more significant political intervention in the day-to-day functions of government and waning of depoliticised, professional managers within the public service. Proponents for the arm's length principle such as Chartrand & McCauley (1989) Matarasso & Landry (1999) Thornhill (2012) have different ideas about what is the adequate degree of demarcation between political interference and autonomy. It emerged from NFVF as my case study that the occurrences of political interference on cultural institutions manifest in many forms as it can BE formal or informal, personal or private interest but ultimately based

on control of resources. Ironically, “Each society is a construct of social, political, economic and cultural systems, processes, beliefs and practices that renews itself by drawing on its creative and innovative store of cultural and heritage” (Third Draft, White Paper on Arts and Culture 2018, p1). The traditional view by writers like Miliband (1969) state that the state is merely the political arm of the ruling class which follows the interests of that class, remains valid unless governance is institutionalised for government to have legitimacy (in Milner, 1987).

The concept of autonomy is still argued by policymakers and civil society in the 4th draft of Heritage, Arts and Culture White Paper moreover with reference to freedom of expression and the freedom of information as defined in the Constitution (Republic of South Africa, 1996). The view aggravated the need for redress and transformation of the trajectory post-apartheid South Africa. Thus, in one arm is the need for social justice and on the other, is imperative for addressing the socio-economic disparities. Vestheim (2009: 31) argues “cultural policy is by definition instrumental and has always been informed and guided by ideas of societal aims beyond culture or art itself” and I argue that this is the genesis of tensions and contradictions. The tensions and dilemmas at the strategic management of PFCI are a subject of many forensic investigations and audit findings, this study aimed at highlighting through the spotlight on the arm’s length principles with indication of how it is applied in cultural institutions and agencies of the DAC. Cultural institutions funded by the government are important platforms to distribute cultural goods and services, therefore governance framework that guides their operations needed a review of their founding principles

The primary intent of the research was to examine how the arm’s length principle is applied in the cultural institutions funded by the government with a focus on the case study. The principle of autonomy is about the separation of powers; therefore, the current boardroom coups politics between PFCI boards, management and the ministers have affected how cultural institutions deliver on the mandates. Further research is needed to study the role of leadership challenges at the cultural institution the separation of power between the NFVF council and management over the last two decades, in summary, the study calls for a methodological review of the NFVF Act no 73 of 1997.

According to Kreibich et al. (2012), the developed and developing societies are currently informed by two guiding models, namely the 'science' (or knowledge-based) society and the 'sustainable' society. The science society is predominantly driven by the megatrends of 'scientific and technological innovations, knowledge transfer, qualification and education' (in Igseta.org). The role of Culture in a developmental society transcends beyond the arts and entertainment just as the arm's length is practised in multidisciplinary sectors. Below, are recommendations of my study.

6.2 How is the Arm's Length Principle applied in the governance of cultural institutions in South Africa?

The NFVF as established by the NFVF Act no 73 of 1997 is supposed to adopt the arm's length principle as a publicly funded cultural institution and be insulated from political interference through the appointment of an autonomous council. The NFVF, like other cultural institutions within the administration of the culture and art department, is accountable to Parliament through the Minister. Separation of powers and organisational principles still have legitimacy in ensuring that measures for peer evaluation and decision-making process about the funding and support of arts and culture happenings in South Africa. The strength and purpose of the arms-length principle are tested against how its implemented in the governance of PFCI and must be evaluated frequently for it to be institutionalised. The study finds that the autonomy and organisational principles are strangled and undermined by a massive concentration of power accorded to the minister. The study, therefore, calls for a methodological review of all cultural institutions promulgated by parliament, including the NFVF Act.

The NFVF Act must be amended to allow board appointments to be independent of the Ministry of Arts and Culture, as this will strengthen peer review and evaluation. The appointment process of board members within the PFCI is not as transparent as alluded by the minister. Although the call of expression to the sector is made public, the shortlisting and selection of potential board members is predetermined. Cadre deployment must be replaced with meritocracy in specialised skills like the film sector.

The principle of arm's length and how it's applied in PFCI is compromised by the struggle for accountability in how the minister's final approval is within their delegated authority and prerogative. The DAC has many agencies with similar efforts to the

NFVF; it is recommended that the NFVF, provincial film commissions and DAC Film Directorate be merged into an independent peer-reviewed and peer evaluated single national entity serving the film sector and reporting to parliament: One agency, one sector with more focus beneficiaries and impact-driven outcomes.

6.3 Models of Governance deployed in executing their public mandates and the convergence of models for effective management of Publicly Funded Cultural Institutions

The study confirms that that NFVF through the NFVF Act applies the arm's length principle by implementing the Management and Public Finance Act of 1999. According to the state capital (2000), the "Act explains the separation of tasks between the head of department (the accounting officer) and the political head ('executive authority' – whichever a Minister or an MEC)." In relation to the NFVF, the accounting officer refers to the CEO and the authority would mean the NFVF Council, with accorded the responsibility to make policy selections and results, while the former (CEO) implements the policy and realises the results by being accountable for delivering the yields demarcated in the departmental budget. The NFVF Act regulates that the NFVF model must constitute a competent council which is tasked with providing a strategic direction. According to regulation, the board must be selected from the film sector and must possess skills and experience relevant to the NFVF. The study established that the ethical conduct of council members has been the subject of problems at besieging the NFVF affairs, particularly on the appointment of the CEO.

6.4 Why Ministerial Handbook and the Public Service Administration of Accounting Officer's instruments are not effective

This study provides a reflective and descriptive analysis of the relationship between politics and the state, the conflation and blurring of lines between the party and the state. It concludes that the regulated powers of the minister and the accounting authority (council and the CEO) are undermined by political interference, personal interest and unethical leadership. The study further looked at how the battle for the soul of the state between instrumental agents (politicians and administrators) must be a managed and be a carefully studied terrain for the future Cultural Policy and Management practitioners to keep a record, monitor and archive events as they unfold. According to Pratley (2002;21), the arm's length principle was designed to separate decisions about the policy of culture and funding from the political interference; it's

designed to deliver to the public of the arts by through policy development and allocation of resources. This definition offers a suitable dynamism when one is to consider how the principles of the arm's length are applied in South African cultural institutions. Therefore, the study concludes by calling for a meritocracy style of public servants within the publicly funded cultural institutions inspired by constitutional values, the Bill of Rights and the need to serve within the disciplined framework of respect of the law, accountability, honesty, trust and hard work. Accordingly, the study calls for skills and lifestyle audits of the current labour and management force of PFCI, to serve as a reshape of thinking and urge for the birth of a new professional public service.

6.5 Final Concluding Remarks

Research helps society by providing a systematic approach to study materials and sources for society to establish facts and reach new conclusions. This research study has undertaken a qualitative approach with the small sample size presenting limitations for generalisation of the findings. The sample size t prioritises experts of a field of interest for the study. Further research with a bigger sample size representing publicly funded cultural institutions is recommended to authenticate the research instrument presented under the aim of this study. The findings of this study support the entrenched existence of the concept of the arm's length principle, autonomy and accountability are compromised by the political and administrative decisions within cultural institutions funded by the government. The research design focused on the NFVF as a case study, wherein there are other film entities in provincial governments and privately-owned enterprises with similar mandates as the NFVF that can enrich the comparative analysis and provide comparative input into future studies. Governance models, therefore, needs to be reviewed through to ensure that the film sector remains relevant if it so survives and reconsiders reporting to the Ministry of Trade and Industry in line with economic aspirations the film sector aims to achieve. The general assertion that South Africa has the best policy but fails in implementation is proven to be a valid declaration.

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Interviewees

1. Mhaga Busi, interview with the author, 22nd January 2020, Gauteng Film Commission Offices, 35 Rissik Street, Marshalltown. Audio material in possession of the author.
2. Karema Brown, interview with the author, 31st January 2020, The Station Restaurant, Melville.
3. Dr Nawa, Lance, interview with the author, 06th January 2020, Hammarskraal Library, Pretoria. Audio material in possession of the author.
4. Joffe Avril, interview with the author, 04th February 2020, Braamfontein, Wits University, Johannesburg. Audio material in possession of the author.
5. Mbalo Eddie, interview with the author, 7th January, Woolies Café, Rivonia, Johannesburg. Audio material in possession of the author. Audio material in possession of the author.
6. Molepo Mpho, interview with the author, 18th January 2020, Woodmead, Sandton, Johannesburg. Audio material in possession of the author.
7. Ndebele Lindi, interview with the author, January 2020, Woodmead Sandton, Johannesburg. Audio material in possession of the author.
8. Ndlovu Duma, interview with the author 19th January 2020, Berario, Fairlands
9. Khanyile Nomakhozana, interview with the author, 08th January 2020, Fournos Restaurant, Hyde Park, Johannesburg. Transcript with the author.
10. Neo Morutle, interview with the author, February, Windsor Glen, Cresta. Audio material in possession of the author Audio material in possession of the author.
11. Vundla Mfundi, interview with the author 16th January 2020, Auckland Park, Johannesburg. Audio material in possession of the author.
12. Wakashe Themba, interview with the author, 08th January 2020, Centurion, Irena Lodge. Pretoria. Audio material in possession of the author.
13. Sekhabi Aubrey, interview with the author 08th January 2020, Pretoria East. Audio material in possession of the author

ANNEXURES

ANNEXURE 1 – Ethics Clearance Certificate

UNIVERSITY OF THE WITWATERSRAND, JOHANNESBURG

HUMAN RESEARCH ETHICS COMMITTEE (NON MEDICAL)

Shane Maja

RETROSPECTIVE ACKNOWLEDGEMENT

PROTOCOL NUMBER: WSOA200205

PROJECT

Political vs Administrative Decisions:
An examination of the Arm's Length approach in
public South African cultural institutions.

INVESTIGATORS

Shane Maja

DEPARTMENT

Wits School of Arts

DATE CONSIDERED

18.09.2019

DECISION OF THE COMMITTEE

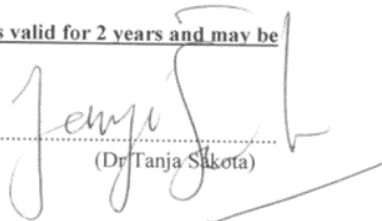
Approved

Unless otherwise specified this retrospective acknowledgement is valid for 2 years and may be renewed upon application

DATE

26.02.2020

CHAIRPERSON


(Dr Tanja Sakota)

cc: Supervisor: Mr Munyardzi Chatikobo

DECLARATION OF INVESTIGATOR(S)

To be completed in duplicate and **ONE COPY** returned to the Secretary at Room 10005, 10th Floor, Senate House, University.

I/We fully understand the conditions under which I am/we are authorized to carry out the abovementioned research and I/we guarantee to ensure compliance with these conditions. Should any departure to be contemplated from the research procedure as approved I/we undertake to resubmit the protocol to the Committee. **I agree to a completion of a yearly progress report.**

Signature

PLEASE QUOTE THE PROTOCOL NUMBER IN ALL ENQUIRIES

ANNEXURE 2 – Interview Questions

PROPOSED INTERVIEW QUESTIONS

Title of Research: Political vs Administrative Decisions; An examination of the Arm's Length approach in public South African cultural institutions.

Masters Candidate Name: Shane Phure Maja

Masters Candidate Number: 584030

PROPOSED UNSTRUCTURED AND SEMI-STRUCTURED INTERVIEW QUESTIONS

A. GOVERNMENT REPRESENTATIVES - (National, Provincial and Local)

1. What is your understanding of the relationship between the Department of Arts and Culture and its agencies such as your National Film and Video Foundation?
2. What policies or policy frameworks does the department have with the Agencies to ensure that Arm's Length principles are applied?
3. What would you regard as the successes and failures between the department and the NFVF as an agency?
4. In your view, what have been some of the major stumbling blocks in the interface between the DAC and its agencies as reflected in the report "DAC Cleanses House"?
5. Can these stumbling blocks be removed, if yes explain how, if 'no' why do you think they cannot be removed?

B. CASE STUDY ORGANISATION REPRESENTATIVES, e.g. The National Film and Video Foundation (NFVF)

1. What kind of a relationship in terms of legislation is the NFVF related to the government?
2. What type of governance model is implemented by the NFVF to execute its mandate, and how has it fared thus far?
3. Has the board or executives ever experienced where the government or the Ministry interferes in operations, if so, can you detail instances of occurrence?

4. Are there any policies/legislation that you think should be changed to promote effective governance within your organization?
5. From your experience, what do you think needs to be done to ensure a mutual relationship between the board and executives, the department and NFVF?

C. CULTURAL INSTITUTIONS & AGENCIES- e.g. Market Theatre Foundation, National Arts Council, South African State Theatre

1. Describe your understanding of the Arm's Length Principle in relation to your job description and the mandate of your cultural institution?
2. Most CEO's or Board members of cultural institutions have an encounter of interference by politicians in operational matters. What has been the case in your work?
3. Do you think your organization is politicized and if so, how?
4. Your organization is highlighted in the DAC Cleans House Report, what has led to the investigation and what are your views about the report?
5. If you were given an opportunity to recommend changes in governance models (King Code/PFMA/Auditor General), what changes would you prioritize?
6. Can your organization still service its mandate without the influence of politics in your view?

D. CIVIL SOCIETY BODIES, e.g. Institute of Directors SA, Business Arts South Africa

1. Governance has been a recurring concept in the management of state-owned enterprises or cultural institutions in South Africa for the past two years. What are the leading causes of this phenomenon?
2. The State Capture Commission, recently established by the President of South Africa has opened a lid on the political interference into cultural institutions or SOE, how can we insulate these institutions from this interference?
3. What models of governance do you think should be adopted by cultural institutions or government to create a mutually benefitting relationship between SOE's and the government?

E. CULTURAL ACTIVIST/PRACTITIONERS/EXPERTS, e.g. Individuals who served as leading authors, thought leaders, cultural sector experts who served in various institutions in both public and private sectors

1. What is your view about the state of cultural institutions in South Africa?
2. Why was the Arm's Length Principle so important for the sector to be enshrined in the promulgation of arts and culture legislation in the post-apartheid South Africa?
3. Can you explain the permanent tensions between the boards and the executives in the management of Cultural Institutions?
4. How would you describe the relationship between the government attitude towards cultural institutions?
5. Do you have experiences you can share about the management of cultural institutions?
6. Have you experienced an encounter with political intervention or instruction that goes against your values, and what did you do?

NB*The number of organizations and individuals to be interviewed will depend on whether adequate data is collected in the initial interview.

Shane Maja (Masters Candidate)

Signature and Date.....

Mr Chatikobo Munyaradzi (Supervisor)

Signature and Date.....

ANNEXURE 3: Participant Information Sheet

Dear Sir/Madam

Warm greetings to you! My name is Shane Phure Maja, and I am a Masters (MA: Cultural Policy & Leadership) candidate at Wits University, School of Arts. As part of my studies, I must undertake a research project, and I am investigating *Political vs Administrative Decisions; An examination of the Arm's Length approach in public South African Cultural Institutions*. The aim of this research project is to investigate the administrative models of separation of powers as applied in the governance and support of the arts in South Africa. It will explore the perceived governance challenges in Cultural

Institutions as studies show that South Africa has legislative and coherent public service policies to achieve effective implementation of arts and culture services to all people.

This research will make use of interviews and questionnaires, which will be conducted with different stakeholders within the arts sector and government. The research is necessary because cultural institutions need a degree of insulation from political interference or influence that derails administration away from their core mandate. As part of this project, I would like to invite you to take part in an interview. This activity will involve answering about five (5) semi-structured questions and will take around one hour. With your permission, I would also like to audio record the interview using a digital device. Electronic data (including audio recordings) will be stored in my private computer that is password-protected. You will not receive any direct benefits from participating in this study, and there are no disadvantages or penalties for not participating.

You may withdraw at any time or not answer any question if you do not want to. Depending on your preference, the interview will be completely confidential and anonymous; participants are experts in their respective fields, and they may be identifiable in the final report. Where I take note manually, I will keep them in a lockable cabinet which can only be accessed by me. I will be using a pseudonym (false name) to represent your participation in my final research report. Where quotations from interviews are used, again pseudonyms shall be used, and the titles of the informant shall be protected by the use of terms such as 'official' or 'representative'. If you have any questions afterwards about this research, feel free to contact me on the details listed below. This study will be written up as a research report which will be available online through the university library website. If you wish to receive a summary of this report, I will be happy to send it to you upon request.

Should you have queries/concerns, please contact the researcher or supervisor: Mr **Munyaradzi Chatikobo** Munyaradzi.Chatikobo@wits.ac.za 011 717 4602.

Yours sincerely,

Signature and Date.....
Shane Phure Maja (Researcher)
584030@students.wits.ac.za
Mobile number: 0760604697

ANNEXURE 4: Permission Letter from NFVF



20th October 2019

Dear Mr Shane, Phure Maja

RE: PERMISSION TO COLLECT DATA FOR MASTER'S DEGREE STUDIES WITH WITS UNIVERSITY CULTURAL POLICY

Following up to your request, I am writing this letter to confirm that the National Film and Video Foundation, an agent of the national Department of Sports, Arts and Culture grants you permission to carry-out interviews towards your research on *Political vs Administrative Decisions; An examination of the Arm's Length approach in public South African cultural institutions.*

The NFVF is happy to be part of your research whose overall intention is to contribute towards good governance of cultural institutions and the body of knowledge

Should you require further information after the interview, my office will gladly assist you.

Kind Regards

Makhosazana Khanyile
NFVF Chief Executive Officer

2nd Floor, 87 Central Street, Houghton, 2198, South Africa
Private Bag X04, Northlands, 2116, South Africa
Tel: +27 11 483 0880 Fax: +27 11 483 0881 Email: info@nfvf.co.za Website: www.nfvf.co.za

Councillors:

Mr Phillip Molefe (Chairperson); Ms Zimkhitha Zatu (Deputy Chair); Ms Zanele Mthembu; Dr Siphelo Ngcwangu; Advocate Dimakatso Qocha; Mr Mfundo Ntsibande; Ms Fikile Masiko; Mr Jeremiah Mofokeng; Mr Kgotso Motsoane; Mr Shadrack Bokaba; Mr Richard Nosworthy; Professor Sheila Onkaetse Mmusi Chief Executive Officer: Ms Makhosazana Khanyile

ANNEXURE 5 – Participation Consent Form

Title of Research: *Political vs Administrative Decisions; An examination of the Arm's Length approach in public South African Cultural Institutions.*

Masters Candidate Name: Shane Phure Maja

Wits University School of Arts

Masters Candidate Number: 584030

RE: CONSENT TO PARTICIPATE IN THE RESEARCH/STUDY FORM

I agree to participate in this research project. The research has been explained to me, and I understand what my participation will involve.

I agree that my participation will remain anonymous YES NO (please circle)

I agree that the researcher may use anonymous quotes
in his research report YES NO

I agree that the interview may be audio recorded YES NO

Name of Participant/ Interviewee:

Signature of Participant/Interviewee:

Date:

Name of witness:

Signature and Date of witness:

Name of Researcher: Shane Phure Maja

Signature of Researcher: 

Date: 03rd May 2020 **ANNEXURE 6: Structured Research Question**

1. Are governance models effective in ensuring that cultural institutions deliver on the mandates?
2. What are the systems available to ensure the success of arm's length principles in cultural institutions governing the arts in South Africa?
3. How is the arm's length principle applied in the governance of cultural institutions in South Africa?
4. Are governance models effective in ensuring that cultural institutions deliver on the mandates?
5. What are the systems available to ensure the success of arm's length principles in cultural institutions governing the arts in South Africa?

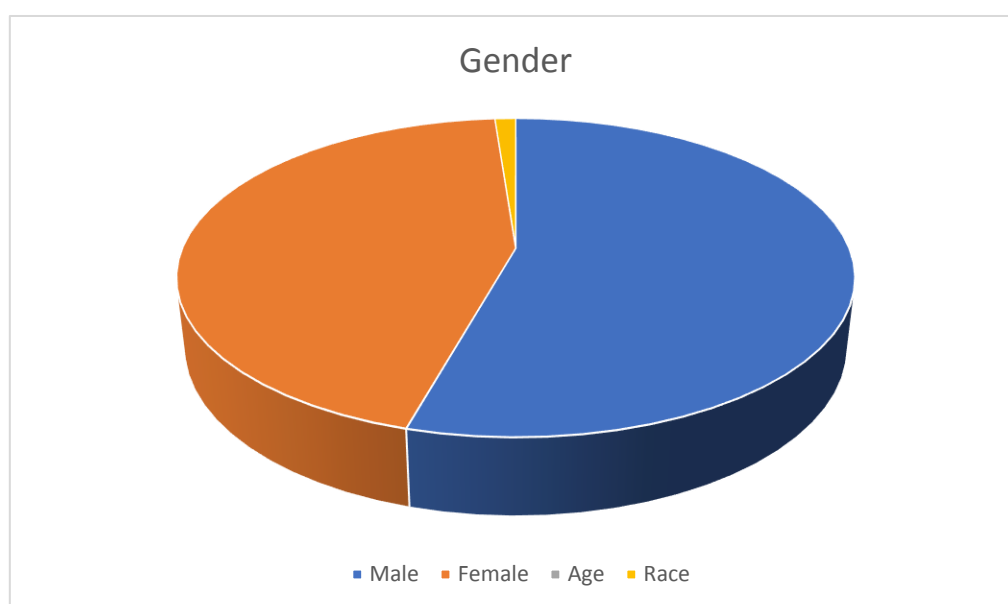
ANNEXURE7 - Table 4.2.3: List of interviews

As illustrated in table 4.3.2, the 14 males and ten female participants have been interviewed for this purpose of this study, each from different domains of the following

Participants	Gender	Role	Experience	Expertise
1	Male	Scholar	Cultural Policy	Journals and articles
2	Female	Board Chairperson	Film Commission	Public administration
3	Male	Board Chairperson	Film and Television	Screenwriter, Film and tv Producer
4	Male	Director-General: DAC	Cultural Activist and seasoned Arts administrator	Public Administration
5	Male	CEO	Political Activist/Administrator	Business Management
6	Female	Director	Public Administrator	Public Management
7	Female	CEO	NFVF	Business Administration
8	Male	Cultural Administrator	NGO/Civil Society	Arts administration
9	Male	Artistic Director	PFCI	Writer/Director
10	Male	Academia/Researcher	Cultural Entrepreneur	Strategist/Political Advisor
11	Female	News Editor/Journalist	Investigative Journalism	Print and News Anchor/Analyst
12	Male	CEO	PFCI	Scholar
13	Male	Minister	National Government	Seasoned Politician
14	Male	MEC	Provincial Government	Seasoned Politician
15	Female	Chief Director	Provincial Government	Arts administrator
16	Male	Chief Director	Provincial Government	Sports/Arts administrator
17	Female	Senior Manager	NFVF	Policy
18	Male	Senior Manager	NGFV	Marketing and Communications
19	Female	CEO	PFCI	Arts administrator
20	Female	Director	Provincial Government	Procurement
21	Female	CFO	Provincial Government	Finance and Business
22	Female	CEO	PFCI	Public Administration
23	Male	DDG	National Government	Policy
24	Male	DG	National Government	Communications and Technology

ANNEXURE 8: ACH, CCI and most public administration in common

Table.4.3.3: Gender, Age and Race Classification



As highlighted in Table 4.3.3, the participant's gender representation is 55% male and 45% female and duly constituted with the majority being Africans, 2 % white and 1 per cent coloured aged between 40-65 years of age and endowed with a rich legacy of academic records and public service responsibilities. The results of the findings confirm that the participants have a solid background of arts administration and in-depth knowledge of PFCI. The latter in their rights have drafted a policy that established these cultural institutions, or they have led their boards and operated as political principals over them or as accounting officers and authorities.