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In the crosshairs of ANC factional battles A historical study of the transformation of the SABC from a public broadcaster to an ANC party broadcaster (2008 – 2018)

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IN THE CROSSHAIRS OF ANC FACTIONAL BATTLES

A historical study of the transformation of the SABC from a public broadcaster to an ANC party broadcaster (2008 – 2018)

Lizeka Noxolo Mda

A research report submitted in fulfilment of the requirements for the degree of Master of Arts by Research Report in Journalism and Media Studies, University of Witwatersrand, 2024

Johannesburg, May 2024

Abstract

This research set out to investigate the way in which the African National Congress's political authority influenced changes in the South African Broadcasting Corporation through its webs of power and influence, exercised not only in relation to the Board and various line authorities, but in subtle forms of power exercised through the influence of the ANC's culture of 'discipline', loyalty, and non-critical engagement with authority. Focusing on the years of the Jacob Zuma presidency – 2008 to 2018 – the research explores how the organisational cultures of both the ANC, as an organisation and the leading party in government, and the SABC, enabled the ANC to undermine the SABC's mandate as a public broadcaster. Both the ANC government's policies and practices regarding broadcasting and media freedom, and board selection, and the party's less formal practices, such as cadre deployment, are probed and analysed to understand how the factional battles within the ANC undermined the public broadcaster. A qualitative approach using archival material and in-depth interviews is adopted.

Declaration

I declare that this research report is my own unaided work. It is submitted for the degree of Master of Arts by Research Report in the Department of Journalism and Media Studies, at the University of the Witwatersrand, Johannesburg.

It has not been submitted before for any other degree or examination at any other university.

LIZEKA NOXOLO MDA
16 May 2024

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Lizeka Noxolo Mda, Johannesburg, May 2024

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CHAPTER 1: INTRODUCTION

This research is located in the fields of journalism studies and media studies. It seeks to understand how and why the exciting and hopeful conceptions of the role that a public broadcaster could play in South Africa's 'new democracy' in the early years of democracy, ended in the South African Broadcasting Corporation (SABC) becoming a 'failing institution', with the ruling party, the African National Congress (ANC), seemingly having it in its stranglehold after two decades of being in power. The thesis examines the changing power dynamics in both the ANC and the SABC during the decade of 'Zuma years' (2008-2018), and how their inter-relationship undermined the tenets of a public broadcaster, thereby transforming it into a 'party broadcaster'.

Research question

The thesis responds to the research question:

> How have changes in the ANC leadership shaped changes inside the SABC – the Board, CEO, heads of Radio, Television and News—thereby changing the 'nature' of the public broadcaster?

What prompted this question? A look at the changes of political leadership of the country shows that a change of ANC president and president of the country tends to be followed by a change of leadership at the SABC – of the Board Chairperson and of the Executive. See Table 1 below. See also Appendix 1A and Appendix 1B.

Such changes became more frequent in the period between 2008 and 2018, leading me to question how such key figures are mandated, by whom, and what role they played in the instability at SABC that was exposed by two inquiries:

> (a) An Investigation by the Public Protector which found "pathological corporate governance deficiencies at the SABC" (Madonsela, 2013/2014)
> (b) An Inquiry by the National Assembly which found that "there appears to have been flouting of governance rules, laws, codes and conventions" (Parliament, 2017)

To examine this question, I look at the changes at the SABC between 2008 and 2018, the period following the election of Jacob Zuma as president of the ANC in December 2007, and which is characterised by an unprecedented number of changes of personnel –

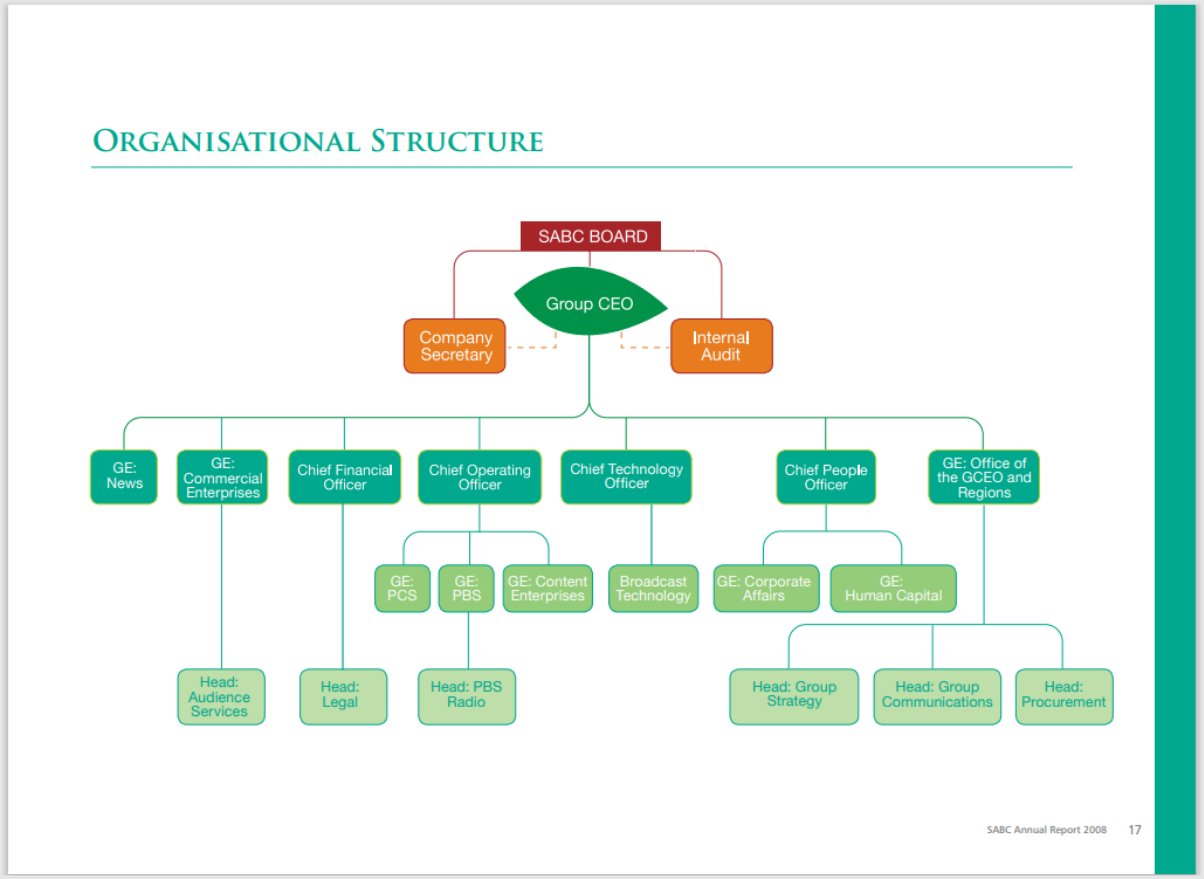
ministers, board chairpersons and members, and the executive team at the SABC (See SABC Organogram below).

TABLE 1

LEADERSHIP CHANGES AT THE SABC

YEAR	PRESIDENT	MINISTER	BOARD	CEO
1994	Nelson Mandela	1994 Pallo Jordan	1993 Ivy Matsepe-Casaburri	1993 Zwelakhe Sisulu
		1996 Jay Naidoo	1996 Paulus Zulu	1998 Hawu Mbatha
1999	Thabo Mbeki	1999 Ivy Matsepe-Casaburri	2000 Vincent Maphai	2000 Cecilia Kuzwayo
			2003 Eddie Funde	2000 Peter Matlare
			2008 Khanyi Mkhonza	2005 Dali Mpofu
2008	Kgalema Motlante	2009 Manto Tshabalala-Msimang		2008 Gab Mampone
2009	Jacob Zuma	2009 Siphiwe Nyanda	2009 Irene Charnley	2009 Solly Mokoetle
		2010 Roy Padayachee	2010 Ben Ngubane	2011 Lulama Mokhobo
		2011 Dina Pule	2013 Ellen Tshabalala	2014 Christian Olivier
		2013 Yunus Carrim	2014 Mbulaheni Maguvhe	2014 Anton Heunis
		2014 Faith Muthambi	2017 Khanyisile Kweyama	2015 Faith Matlala
		2017 Ayanda Dlodlo	2017 Bongumusa Makhathini	2015 Jimi Matthews
		2017 Mmamoloko Kubayi		2016 James Aguma
				2017 Nomsa Piliso
2018	Cyril Ramaphosa	2018 Nomvula Mokonyane		2018 Madoda Mxakwe
		2018 Stella Ndabeni-Abrahams		
		2021 Khumbudzo Ntshavheni		
		2023 Mondli Gungubele	2023 Khathutshelo Ramukumba	2023 Nomsa Chabeli

SABC Organogram – Source: SABC Annual Report 2008



The organogram above is from the 2008 SABC Annual Report. It is included here to illustrate the governance structure of the Corporation, and to demonstrate that the SABC itself does not seem to understand its own structure. Part 5 of the Broadcasting Act is specific about the composition of the SABC Board – 12 non-executive members appointed through a parliamentary process and three executive members made up of the Group Chief Executive Officer, the Chief Operations Officer and the Chief Financial Officer. You could not tell any of that from this official organogram. Chapter 5 explores the ways in which the process of appointing the Board, and its composition, was one of the contentious issues in the period 2008 and 2018.

Drawing on the work of Hallin and Mancini (2004) who consider how media systems relate to their political, social, and economic context, and Hadland (2007) who applies this framework to the South African media system, this study looks at post-apartheid SABC to gauge its performance against the dimensions that include journalistic professionalism and state intervention. Based on Hallin and Mancini (2004: 21) and

Hadland (2007), it can be argued that the political majority of the ANC in Parliament, and therefore its control of the process of appointing the SABC Board, has led to high levels of political parallelism, which speaks to the links between the media and political parties. I complement this with Tom Lodge's account (2014) of neopatrimonialism in the ANC, which provides an understanding of politics post-1994, namely a heightened concentration of power, patronage, and corruption (Lodge, 2014: 19). These concepts – journalistic professionalism, state intervention, political parallelism and neopatrimonialism – are drawn from the literature that I elaborate upon in Chapter 2.

Context of the research

The South African Constitution is founded on values such as equality, freedoms, a multi-party system of democracy, and the supremacy of the Constitution. Section 192 makes provisions for the establishment of an authority to regulate broadcasting "in the public interest, and to ensure fairness and a diversity of views broadly representing South African society".

The Independent Communications Authority of South Africa (Icasa) was established through the Icasa Act, 2000 (amended in 2014) after the dissolution of the original post-1994 regulator, the Independent Broadcasting Authority (IBA) and the South African Telecommunications Regulatory Authority. The Icasa Act empowered Icasa to regulate broadcasting through the 1999 Broadcasting Act and its amendments. One of the key functions of the Broadcasting Act was to establish "a strong and committed public broadcasting service which will service the needs of all South African society" (Section 2). The Act delineates the roles of policymaking, regulation, and service provision. Policymaking is the province of the Legislature, with the Minister of Communications mandated by national government to be responsible for broadcasting policy development, the achievement of the goals of public service broadcasting, and universal access to broadcasting services.

In terms of public broadcasting, the SABC enjoys freedom of expression and journalistic independence. Governance of the Corporation is in the hands of a Board composed of 12 non-executive members and three executive members: the Group Chief Executive Officer, the Chief Operations Officer, and the Chief Financial Officer. The President of the Republic appoints the non-executive members on the recommendation of the National

Assembly in a process that ensures "participation by the public in a nomination process; transparency and openness; and that a shortlist of candidates for appointment is published" (Section 13). The three executive members are accountable to the Board.

The African National Congress (ANC) has been at the helm of South Africa since the first democratic election in 1994. There is no doubt that the ANC is the dominant political force in South Africa (Van der Westhuizen, 2021). To the opposition Democratic Alliance (DA) this dominance poses dangers to democracy, because of "the ANC's arrogance, freedom from accountability, and its ambitions to extend increasing control over the state and society" (Southall, 2005: 1). Nowhere has this DA accusation of ANC tentacles taking grip of society found more validation than in the ruling party's Cadre Deployment Policy. The ANC adopted this policy at the organisation's 1997 Conference, with the objective of placing party loyalists in positions of influence and power in the public sector (Shava & Chamisa, 2018). The DA has long been critical of this policy, but its position was vindicated when Part 6 of the 2022 Report of the Zondo Commission[1] found that the policy was unconstitutional and illegal and had played a significant role in state capture[2]. These are significant elements of the problem.

The Commission questioned the ANC's involvement in the appointment of the boards of state-owned enterprises (SOE), the selection of CEOs, and chief financial officers. The party's response was that it did not consider the Commission's findings binding, and that it would forge ahead with the policy (Gerber, 2022). This seems to imply that the ANC does not believe it is accountable to anyone, not even the Constitution, only itself. Indeed, since the ANC came to power, we have observed SOEs[3] such as Denel, Agricultural Bank, Prasa, Transnet, Eskom, and South African Airways gradually collapsing. A government agency, the National Planning Commission, attributed this to "poor institutional accountability and poor governance, [and] political interference" (National Planning Commission, 2020: 4). The public broadcaster has not escaped these maladies. According to Musawenkosi Ndlovu (2019), the SABC has been paralysed by "financial bankruptcy, corruption, political interference, erosion of editorial

[1] The Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State, better known as the Zondo Commission

[2] State capture refers to the domination of policy making by private individuals and interest groups. Weak states are most prone to capture by private, corporate power (Kjaer, 2018).

[3] https://dpe.gov.za/state-owned-companies/

independence and abuse of power and low staff morale". With the Auditor-General reporting irregular expenditure of R5-billion in 2017, and the Corporation failing to ensure that its officials face consequences in one year, and "messy" finances in the next (ewn.co.za, 2022; Phakathi, 2022; Felix, 2023; Maqhina, 2023), it is not inconceivable that the SABC could be headed for total collapse, just like SAA and other SOEs. This highlights the significance of the problem, because within South Africa's current state system, a public broadcaster is deemed fundamental to preserving the country's new-found democracy which depends on the public being independently informed and kept critically abreast of social issues as they occur daily.

Rationale for the study

My interest in the SABC has been constant, as both a journalist and as a regular member of its audience for its news and current affairs programmes. The main reason for undertaking this study is to add to the voices and efforts[4] that seek to preserve and strengthen the public service broadcaster as a core part of the democratic media system, and save it from the fate that has befallen other SOEs , namely total collapse as a result of the perversions of principles of the Constitution and broadcasting legislation, such as the appointment of boards, through ruling party factionalism. A collapsed SABC is not a farfetched possibility, as has been demonstrated by several SOEs.[5] The Zondo Commission found that the common source of the problems experienced by the SOEs was the way their boards were appointed, particularly "the calibre of some of the people who are appointed as members of the Boards of these companies or who are their Chief Executive Officers and Chief Financial Officers" (Zondo, 2022b:1043). Zondo also laid the blame at the door of the ANC's Cadre Deployment Policy. This study examines this policy – its tenets and how it has been applied – to understand its effect on the SABC.

There is a difference between the public broadcaster and other SOEs in that it is critical for democracy because it enables the creation of 'a public' and of public opinion through "rational critical debate", or what Habermas (1989) calls 'a public sphere'. His concept of a public sphere refers to a space constituted by the media where individuals can participate in "rational critical debate" about matters of public concern. "Access is

[4] These include the SOS Coalition (https://soscoalition.org.za/), Media Monitoring Africa (https://www.mediamonitoringafrica.org/about-us/) and Sanef (https://sanef.org.za/)
[5] In 2022 the public broadcaster was drowning in debt (ewn.co.za, 2022).

guaranteed to all citizens" (Habermas et al, 1974: 49). A state or political party broadcaster, on the other hand, has no pretentions of being responsible to 'the public' (Ciaglia, 2015). The importance of the SABC cannot be overemphasised and was confirmed by the Gauteng High Court in *S.O.S. Support Public Broadcasting Coalition and Others v South African Broadcasting Corporation and Others* when it ruled that:

> The SABC as a public service broadcaster must promote alternative views to encourage debate that is vital to the functioning of democracy. A healthy democracy requires that the public be able to discuss, share and receive information relating to political, social, and cultural matters affecting their lives. The public broadcaster plays a crucial role in strengthening democracy and democratic governance by ensuring that the general public, especially those with neither political nor economic influence or power, have access to a broad spectrum of views on issues of public concern. (SOS Support Public Broadcasting Coalition v SABC, 2017: Paragraph 42).

Issues of power, ownership, and control are critical because what is at stake is the life of the public and the enabling of democratic practices. During the debates in the 2000s about whether the media served the 'public interest' or the 'national interest', the ANC gave the impression that it believed it was the sole custodian of the nation's interests (Majova, 2007).

While many studies have looked at the SABC with varied focuses, such as on commercialisation (Ngwenya, 2015), politicisation of newsrooms (Arndt, 2018), governance failures as breaches of Company Law (Bronstein & Katzew, 2018), none approaches the problem as this study does. First, my research looks at the influence of the ANC through the party, not the state. Second, while my research is also interested in governance issues, the perspective is broader, focusing on the relationship between broadcasting policy and changes in the ANC (party) that constrain the performance of the SABC and the role of the ANC's own cadre deployment policy. Rather than look at the politicisation of the SABC (micro focus) through its unconscious absorption of power dynamics, my research looks at how political structures and the internal dynamics of the ruling party shaped the governance of the SABC (macro and structural focus). This is a worthwhile avenue to explore because the Thloloe & Tawana inquiry

(2019:4) found "No evidence of a direct line between decisions at ANC headquarters, Luthuli House, and decisions in the newsroom, but *the spectre of the ANC hovered over the newsroom* [italics added]". Using policies is a novel approach particularly given continuing discussions[6] about the governing party's cadre deployment policy. Several scholars (Twala, 2014; Shava & Chamisa, 2018; Swanepoel, 2021) have looked at the policy of cadre deployment. None have looked at its effect/implementation on the SABC.

The focus on the SABC and the ANC

The importance of the SABC for South Africa cannot be overemphasised. Its 18 radio stations and four television channels reach the farthest corners of the country. At 52% SABC News has the highest weekly reach among TV, radio, and print media in the country (Cowling, 2023; See Appendix 3). Its online news service is second only to News24 for the number of users (Michael Markovitz interview, 2023).

The period is chosen because in recent times, the beginning of the troubles at the SABC seems to coincide with the beginning of the tenure of Jacob Zuma as president of the ANC in December 2007 (Sefara, 2008; Dludlu, 2017; Calata, 2018; Ndlovu, 2019).

This research investigates the policies on broadcasting and media freedom (originating from the ANC as a party) and cadre deployment, and how these were implemented and shaped the SABC's institutional and journalistic practices. The relevant policies include the Broadcasting Act 4 of 1999, "to align the broadcasting system with the democratic values of the Constitution and to enhance and protect the fundamental rights of citizens", and the ANC Policy of Cadre Deployment, adopted at the organisation's 1997 Conference that "advocated for ANC party loyalists to occupy prominent positions in the public sector" (Shava & Chamisa, 2018: 1). Cadre deployment is a tool exercised by ruling political parties all over the world, even though it is not always labelled as such (Kota *et al*, 2017). ANC leader Gwede Mantashe has defended the policy, noting that Justice Zondo (Commission Chairperson) himself was a beneficiary of cadre

[6] In February 2024, the opposition Democratic Alliance won a case at the Constitutional Court "to compel the ANC to make public its complete cadre deployment records dating back to 1 January 2013" (Schreiber, 2024).

deployment.[7] Arguing that the policy was a correction of what the party inherited in 1994, he opined, "It cannot be a sin to give black people operational opportunities simply because they are black. We can't have a situation where whites still hold the senior positions they held prior to 1994" (Gerber, 2022).[8]

The policies are the vehicle for a critical examination of the relationship between the ANC (ruling party) and the public broadcaster. Of course, less formal mechanisms also drove some events at the SABC. My research looks at how political structures and the internal dynamics of the ruling party shaped the governance of the SABC (macro and structural focus). This entails examining the culture of the ANC to bring to light to the impact on its decisions regarding the SABC and to see whether there is any dissonance between policies and practice. The focus is on the organisation in the period following the election of Jacob Zuma as the president of the ANC in December 2007 until his resignation as president of the Republic – 2008 to 2018. The study engages with these issues through the lens of political theory, theories of media and of the public sphere.

The study uses a qualitative research framework, chosen because it explores intricate social phenomena through the collection of non-numeric data via techniques such as interviews, observation, and document analysis (Creswell, 2013). It utilises a data collection strategy of interviews and archival material.

Chapter outline

The questions and issues discussed above are delved into more deeply in several chapters.

[7] This is not true. Judges are appointed after a public process of interviews by the Judicial Service Commission which then makes recommendations for appointment to the president. However, the processes of deploying ANC cadres to public service are opaque leading to the DA lodging an application under the Promotion of Access to Information Act in 2021 for the ANC to hand over its cadre deployment committee records. On 2 February 2023, the South Gauteng High Court ruled in favour of the opposition party and ordered the ANC to hand over its records within five days. "This relates to the complete records of the ANC's national cadre deployment committee, including meeting minutes, WhatsApp conversations, email threads, CVs and any other documents, since 1 January 2013" (Gerber, 2023). The ANC has appealed the ruling.

[8] But this is the objective of the Employment Equity Act. The ANC's cadre deployment policy has nothing to do with race. "Deployment shall be carried out in the following order of preference: cadre; ANC member; supporter/sympathiser; non-ANC member" (ANC Deployment Policy, 2008: 3 (d) vi)

Chapter 1 is the current chapter. It is an introduction to the study and includes the research question, context of the research, rationale for the study, the focus on the SABC and the ANC and a chapter outline.

Chapter 2 considers the research's theoretical framework and literature review. It examines state-media relations globally and in the South African context, the public sphere and post-colonial theories of citizen and subject, and neopatrimonialism.

In Chapter 3 I discuss the methodology of this research, which uses a qualitative framework. This is followed by methods used for data gathering and analysis and a discussion of validity and reliability in qualitative research.

Chapters 4 and 5 discuss the ANC and the SABC as institutions that are the object of this research. Each chapter first gives a 'narrative' account of issues and events relevant to the research followed by an analysis using the theories discussed in Chapter 2.

Chapter 4 focuses on ANC and governance from 2008 to 2018, and Chapter 5 discusses the research's findings on the SABC in the same period.

Chapter 6 concludes the study, drawing together its findings by briefly summarising the process of research.

CHAPTER 2: THEORETICAL FRAMEWORKS AND LITERATURE REVIEW

Introduction

This chapter explores concepts central to understanding the interplay between the SABC and the ANC-led government during the Zuma presidency (2008 to 2018). Drawing on the work of Hallin and Mancini (2004) who consider how media systems relate to their political, social, and economic context, Hadland applies this framework to the South African media system concluding that "South Africa's media system falls largely into the Polarised Pluralist model though it retains strong liberal model traits" (2007:1). The chapter complements Hadland's analysis of the state with that of Tom Lodge (2014) who describes the contemporary South African state as a neopatrimonialist one, arguing that officials in the ruling party use their public powers for private purposes, with "rival groups constituted by personal loyalty rather than shared ideological beliefs" (2014: 1). These two approaches enable us to understand the subtle ways in which power worked during the Zuma period to influence the SABC's organisational structures and its journalism. These issues will be dealt with first, by looking at Hallin and Mancini's theory of State-Media relations; second, its application to South Africa by Hadland who uses their model; third, by discussing the Public Sphere which is critical to understanding the role the media play in constituting a civic space enabling 'rational critical debate' in a democracy; and finally, by examining Lodge's argument regarding South Africa in terms of Citizen, Subject and Neopatrimonialism.

State-media Relations

Siebert, Peterson, and Schramm (1956) initiated the study and theorisation of state-media relations with their influential *Four Theories of the Press* in which they probed why the press[9] seemed to serve different purposes in different countries. Their answer was that:

> The press always takes on the form and coloration of the social and political structures within which it operates. Especially, it reflects the system of social control whereby the relations of individuals and

[9] While these studies refer to 'the press', once broadcasting was introduced widely, they came to be understood in relation to media systems in general (Jakubowicz, 1998).

> institutions are adjusted. We believe that an understanding of these aspects of society is basic to any systematic understanding of the press. (Siebert et al, 1956: 1–2, cited in Hallin & Mancini, 2004: 8)

In their study, which focused on the US, Great Britain, and the Soviet Union[10], Siebert et al found that the "form and coloration" that the media took could be explained in terms of four theories: the libertarian, the social responsibility, the authoritarian and the Soviet media theory.

Scholars have defined a theory as a system of laws; the structured arrangement of knowledge used for problem-solving; a set of interconnected generalisations that propose fresh observations to explain and predict phenomena; a reasoned explanation of the causal relationship between specific actions and their resulting outcomes (Thomas, 2017: 232; Christians et al, 2009: ix). Theories of the press come in two forms: ideal and prescribing, and real and describing, where the former examine the "subjective" values associated with the mission of the media that different stakeholders hold according to cultural influences, whereas the latter address the matter from an "objective" viewpoint of media sociology (Christians et al, 2009: ix). The ideal and prescriptive are known as *normative* media theories. They deal with the role the media 'ought' to play in a democratic society. Implicit in 'normative' approaches are words such as 'ought' and 'should', in addition to 'ideal': The media *should* be a watchdog over politicians and other institutions; the media *ought* to play an educative role in society. "The overall purpose of normative theory is to develop a yardstick against which media performance, accountability and quality can be measured and possibly controlled" (Fourie, 2007: 178; see also Bardoel and D'Haenens 2004 on media accountability). Key questions include how to differentiate between serving the 'public interest' and invading a person's privacy, and how the media is organised and financed. Behind the assumptions of a media that plays a watchdog role is a history of governments trying to hide what they do, and/or to restrict publication thereof. This power to control what is published that governments arrogate to themselves is often in conflict with the right that the media claims as its own, the right to freedom of speech, which is often legislated in a democracy (Fourie, 2007; see Lichtenberg's (1987) discussion on the differences

[10] *Four Theories* was written during the Cold War.

between freedom of the press and freedom of expression). As a result, normative theories of the media are concerned with, inter alia, (restrictions on) media freedom.

Siebert et al (1956) viewed freedom of the press through the lens of the First Amendment of the US Constitution, an approach that linked freedom with property ownership and portrayed government as the sole threat to freedom (Christians et al, 2009: 11). Their four theories are characterised by fundamental concepts about the nature of humanity, of society, of knowledge and of truth. For example, their authoritarian theory holds that individuals are inherently weak and fallible, under domination by the collective society or state, while knowledge is often complex or esoteric, possibly divinely inspired. Additionally, it maintains that truth is absolute (Nerone, 2018: 2).

Their approach has been criticised for its narrative histories and theoretical framework, including that their sole focus was on Western and liberal theories and practices while ignoring issues of race, gender, class, and ethnicity (Nerone, 2018:1). They failed to analyse the operational dynamics of media systems and their social systems and did not conduct empirical investigations into the relationship between media systems and social systems (Hallin & Mancini, 2004: 9–10). The book is criticised for not addressing the role of the media in a democratic society, both in its current state and what it ought to be (Christians et al, 2009: viii).

Siebert et al's *Four Theories*, as it became known, was superseded by McQuail's 'Six Theories' (1983), which sought to address the gap left by Siebert et al when they ignored continental Europe. To the authoritarian, libertarian, social responsibility, and Soviet theories, he added the development media theory and democratic-participant media theory. But in subsequent work he revised these to three main traditions—market liberalism, professionalism, and democratic theory. Later, he crystallised normative theory into four models: liberal-pluralist or market model, social responsibility or public interest model, professional, and an alternative media model (McQuail, 2003; 2005, cited in Christians et al, 2009: 11). McQuail's work was superseded by the approach of Christians et al (2009) who changed tack, identifying

four major roles of the media[11]: the monitorial, facilitative, radical, and collaborative roles.

In the midst of these revisions, Daniel Hallin and Paolo Mancini (2004) went back to the roots of *Four Theories*, namely, that "the press always takes on the form and coloration of the social and political structures within which it operates" (Siebert et al, 1956: 1–2, cited in Hallin & Mancini, 2004: 8). In *Comparing Media Systems: Three Models of Media and Politics* (2004) they explore the relationship between political systems and media systems and suggest that political systems shape a country's media system, determining the resultant media policy and law. To understand news media in a country it is crucial to understand other factors such as political parties, civil society and how they link to the media. To accomplish this, they turned to a comparative analysis, arguing that this approach helps researchers to question systems, particularly their own that they may have taken for granted, making "the invisible visible" (Blumler & Gurevitch, 1975: 76, cited in Hallin & Mancini, 2004: 2).

According to Hallin, a media system is "a set of media institutions and practices understood as interacting with and shaping one another. Media systems are embedded within wider social, political, economic, and cultural systems" (2021: 2). In their comparative analysis of media systems in 18 Western European and North American capitalist democracies, Hallin and Mancini propose four dimensions to compare media systems and the relationship between the state and the media:

> (1) the development of media markets, with particular emphasis on the strong or weak development of a mass circulation press;
>
> (2) political parallelism; that is, the degree and nature of the links between the media and political parties or, more broadly, the extent to which the media system reflects the major political divisions in society;
>
> (3) the development of journalistic professionalism; and

[11] The monitorial role provides information that the public can use to hold those in power to account; the facilitative role provides information to support and strengthen civil society; the radical role challenges authority and supports reform; the collaborative role creates partnerships between journalists and centres of power in society.

(4) the degree and nature of state intervention in the media system. (2004: 21)

Looking into the structure of the *media markets* they examine the nature of the press, the number of outlets and the size of the audience, how the press relates to its audience and its place in a country's socio-political communication. They found that in Southern European markets the direction of communication was horizontal, among well-educated elites, active in politics and dwelling in urban areas, whereas in Northern Europe and North America, it tended to be vertical, thus not restricted to a single stratum but drawing from elites and ordinary people (Hallin & Mancini, 2004: 22). As a result, there were no mass media (other than electronic media) in Southern Europe, and circulation figures were low. For *political parallelism*, components may include political affiliations determining the career paths of some journalists, or "partisanship of media audiences", where media audiences read newspapers and/or watch different channels in line with their political affiliations (Hallin & Mancini, 2004: 28).

Hallin and Mancini highlight political parallelism that applies specifically to broadcasting governance and regulation. In the government model[12], public broadcasting is controlled by the government or political majority where a government controls the appointment of the board of directors, or Parliament makes the appointment of the directors, which gives control to the majority party (2004: 30). However, "All modern broadcasting systems are also subject to political pressures from the government, and in a pluralist political system all must have mechanisms for responding to the demands of various social and political groups" (Hallin & Mancini, 2004: 32–33).

Three variables are linked to *journalistic professionalism*, one of which is "autonomy" of the journalism fraternity; second, "distinct professional norms", which include ethical principles distinct to the profession; and lastly, the concept of professionalism assumes an element of "public service" in the practice of journalism, which is manifested in the presence of self-regulation mechanisms such as press councils (Hallin & Mancini, 2004:36).

[12] One of four models applicable to public broadcasting governance that Hallin & Mancini identify (2004: 30).

The fourth dimension Hallin and Mancini use to compare media systems is *the role that the state plays* in shaping the media system. They contend that public service broadcasting is the most significant state intervention (2004: 41). Other forms include control of the telecommunications infrastructure, libel laws, broadcasting laws and laws regulating media ownership.

In comparing political and media systems in their sample of countries using the four dimensions, Hallin and Mancini find that the countries can be clustered around three ideal types: the democratic corporatist model, the liberal model, and the polarised pluralist model. They caution that these may fit individual countries roughly since they are merely "ideal types", and some countries may have more than a single media system (pp.11, 12).

Fitting into the *democratic corporatist* model are countries in North and Central Europe[13]. Their common history is reflected in their media systems that share some characteristics:

- A mass-circulation commercial press and external pluralism: "a range of media outlets or organizations reflecting the points of view of different groups or tendencies in society" (Hallin & Mancini, 2004: 29);
- political parallelism and a tendency towards political partisanship;
- journalistic professionalisation; and
- state intervention that includes press subsidies, public service broadcasting and protection of press freedoms. (Hallin & Mancini, 2004:.67; 144–145).

The *liberal model* encompasses Britain, Ireland, Canada, and the US, and this is where the clustering of the countries is most tenuous. As in the democratic corporatist model, there was early development of a mass-circulation press, but in the liberal model countries the circulations are lower. With the exception of Britain, where partisanship is high, there is strong internal pluralism. In evidence here are "media organizations…that formally represent a variety of political forces within the structure and content of a single organization" (Hallin & Mancini, 2004:30). Commercial interests rather than

[13] Austria, Belgium, Denmark, Finland, Germany, Netherlands, Norway, Sweden and Switzerland (67).

political instrumentalisation determine journalistic autonomy— again, with the exception of Britain. Public broadcasting and broadcast regulation follow the British Broadcasting Corporation (BBC) model where originally broadcasting was run by professionals and insulated from political control (Hallin & Mancini, 2004:31; 75).

The third model they identify as *the polarised pluralist* model, whose characteristics include a press with small circulation, primarily catering to the elite, where the professionalisation of journalism lags behind that of other models. In this model commercial media and freedom of the press came late and public broadcasting typically mirrors government or parliamentary structures. There is a strong focus on political affairs and a tradition of commentary-driven or advocacy journalism, while there is media instrumentalisation by government, political parties, and politically affiliated agendas. Political parallelism is high (Hallin & Mancini, 2004: 73).

This model is useful for my study because of its resonance with the SABC's place in the South African media system: not so developed journalistic professionalisation, parliamentary model of public broadcasting (exemplified by the appointment of the Board via a parliamentary process), strong focus on political life, instrumentalisation of media, and high levels of political parallelism.

Ten years after *Comparing Media Systems*, Brüggemann et al (2014) operationalised the four dimensions of Hallin and Mancini's (2004) model with a cluster analysis incorporating 17 of the 18 original countries, excluding Canada. They criticised Hallin and Mancini for too broad an interpretation of "dimension" saying, "Dimensions have to vary on a continuum between two poles, such as less or more political parallelism" (Brüggemann et al, 2014: 1039). As a result, they reconstituted the media markets dimension as "inclusiveness of the press market" which signified the extent to which the press engages with a wider audience, including factors such as their reach among different demographics such as women and the working class. The researchers also disaggregated the role of the state into three dimensions which they said did not vary together in the sample countries: the strength of public broadcasting, press subsidies, and media ownership regulation (Brüggemann et al, 2014:1041). Their changes are useful for highlighting that "dimensions" in *Comparing Media Systems* simplifies a complex process. Comparative frameworks like the Hallin and Mancini model (2004),

may not offer a definitive model but rather a collection of variables to consider when analysing media systems (Rodny-Gumede, 2020: 613).

Hadland (2007) applied Hallin and Mancini's work before the intervention by Brüggemann et al, also focusing on the print media. Despite this, his approach is useful for this study of the broadcast media during the Zuma decade because the analysis of the media-state relations he offers is still valid. Further, Hadland's thesis was written on the eve of the period under study so many of the conditions that prevailed during his research still prevailed in the 10 years from 2008. This study draws on Hadland's South African adaptation of Hallin and Mancini's models.

Hadland's application of Hallin and Mancini to South Africa

Hadland (2007) took Hallin and Mancini's three models and sought to find where and how South Africa fitted, by examining the South African mediascape in terms of Hallin and Mancini's four major dimensions: the development of a mass media market, the degree and nature of political parallelism, the development of journalistic professionalisation and the degree and nature of state intervention. He expected South Africa to fit comfortably into the liberal model countries as it had started its political life as a British colony, and the English-language press in the country was founded by British expatriates[14]. As a result, the commercial press developed first and was initially "kept at [arm's] length from politics and the state" (Hadland, 2007a: 215), as in Britian. He found that the media system in SA displayed internal pluralism (accommodating the expression of diverse viewpoints), a legacy of the country's historical ties to Britain:

> While titles occasionally display partisan allegiances, such as at election time, on the whole South African newspapers do tend to avoid institutional ties. (Hadland, 2007b: 7).

I would argue that this observation is partly true because Hallin and Mancini, correctly, make a point of excluding Britian in the dominance of internal pluralism in the liberal model because of British media's very high partisanship (Hallin & Mancini, 2004: 30).

[14] "Slave dealers Alexander Walker and John Robertson started the *Cape Town Gazette and African Advertiser,* South Africa's first newspaper, in 1800" (*FOCUS on Global Resources,* Summer 2010, Vol. 29, No. 4. Center for Research Libraries).

But I concur with Hadland that while internal pluralism is prevalent in South Africa, the hegemony of the ANC results in high levels of political parallelism, contrary to Hallin & Mancini's model which links internal pluralism to low parallelism (2007b: 7). Hadland's conclusion is that South Africa has a more developed and sophisticated system of self-regulation than liberal model countries (2007a: 204, 215), and its high levels of political parallelism are not replicated in the British Isles and North America. I would argue that this observation about political parallelism is echoed in Lodge's (2014) study of neopatrimonialism which is discussed below.

Along with the Constitution with its protection of liberties such as freedom of association, expression, and of access to information, Hadland argues that the proportional representation electoral system, social welfare policies and a robust civic society placed South Africa in the same arena as the democratic corporatist model of northern Europe (2007a: 213). He also points out that the tripartite alliance – the ANC, the South African Communist Party and trade union federation, Cosatu – has participated in policymaking and the governing process. On this basis he concludes that South Africa, like the countries of the democratic corporatist model, has high levels of political parallelism (2007a: 213). But the country parts ways with the northern Europe cluster where "compromise politics decides the day" (2007a: 214), because the two-thirds majority dominance of the ANC renders opposition parties almost impotent when it comes to policymaking. This latter point is fair to make, but the 'junior' members of the tripartite alliance – the South African Communist Party and Cosatu – may argue about whether the ANC allows them to influence policy, let alone participate, and whether once their members are appointed to Cabinet, they bring their policy positions with them (Visser, 2004; Seekings & Nattrass, 2015).

When it comes to the polarised pluralist model, Hadland finds many parallels with South Africa:

> the Mediterranean style of media system features a high degree of political parallelism, low literacy and readership rates, a late and contested transition to democracy and an authoritarian tradition of intervention by the state…In addition, the media is used as a tool to intervene in the political world, there exists the political will and basic

> structure of a welfare state, legal actions against journalists are common and the state's grasp often exceeds its reach due to a lack of either resources or consensus. (2007a: 215)

To these similarities he adds close personal relationships between media owners and politicians; domination of politics content in SA media; high turnout for elections; and affiliation (or affinity) rather than issues determining how the electorate votes (Hadland 2007a: 216). Hadland argues that SA differs from the polarised pluralist model cluster because of the absence of a party-political press, a strong presence of commercial media markets and a tabloid press, and there is a strong history of journalistic professionalism. That may be so, but he seems to miss that Hallin and Mancini broadened the notion of party-press parallelism to encompass broader political values and alignment with specific political factions rather than solely with parties (Hallin & Mancini, 2004: 28; Brüggemann et al, 2014: 1039). Hadland concludes that:

> South Africa's media system certainly has features from the liberal model, and for this reason I would locate it closest to the polarised pluralist cluster but with strong liberal model influences. (2007a: 217)

It is important to reiterate that Hadland's focus was on print media, and he kicks the broadcasting can down the road to be taken up by subsequent studies even though he sees a correlation between print and broadcast media that aligns with his conclusions (2007b: 2). Nevertheless, his understanding of the South African state, of the closeness of the links between the political system and the media is a useful framework for analysing the links between the ANC and the SABC during the Zuma decade.

Hallin and Mancini make the point that media systems are not homogenous:

> different institutions or segments of a media system may operate according to different logics, depending on factors such as their market structure or the particular history of their formation. It is common in Europe, for example, for the print press to be characterized by both commercialism and political parallelism, while television is characterized by a large public service sector and a norm of neutrality and internal pluralism. (Hallin, 2021: 4)

This is an important point to keep in mind in relation to the SABC. The public broadcaster and the print media may be elements of the same media system, but the way they relate to one another and the way they relate to the political system is determined by the history of how each developed.

The SABC was established as a public broadcaster by the Broadcast Act of 1936, along the lines of the British Broadcasting Corporation (BBC)[15] in a model that was exported to Commonwealth countries[16] because of colonial links to Britain. Sir John Reith, the first director-general of the BBC, wrote the founding documents of the SABC[17], which is why public broadcasting principles have come to be known as 'Reithian principles'. These include placing the state at the centre of public broadcasting, which was seen as serving a similar cultural purpose as public libraries and universities. It would serve the whole public, maintain independence from the state, and be independent from commercial interest, hence the funding by licence fee (Teer-Tomaselli, 2008: 74). From a normative perspective, these founding SABC public service broadcasting principles included high quality production and programming that facilitated free expression and open debate for a plurality and diversity of interests, provided impartial news, and educational programming in the country's official languages (Fourie, 2013: 2).

The BBC, however, operated in Britain, a democracy in which everyone was a citizen and had a right to vote. The BBC service – only radio, until the introduction of television in 1936 – was available and accessible to all. Things were quite different in South Africa. In the 1930s, the founding culture of the SABC was segregation, and the African majority of the population and its languages were neither included nor catered for. Reith may have had lofty principles, but they did not travel well from Britain to the colonies. His vision of the "public" only encompassed English speakers. The SABC radio service (television would not arrive for another 40 years) was only extended to Afrikaans speakers in the late 1930s, with just an hour of programming, becoming "a separate but not equal station in the 1940s" (Teer-Tomaselli, 1996: no page numbers). This separate

[15] "The British Broadcasting Company, as the BBC was originally called, was formed on 18 October 1922 by a group of leading wireless manufacturers including Marconi. Daily broadcasting by the BBC began in Marconi's London studio… on November 14, 1922. John Reith, a 33-year-old Scottish engineer, was appointed General Manager of the BBC at the end of 1922" https://www.bbc.com/historyofthebbc/timelines/1920s

[16] Former colonies of Britain. https://thecommonwealth.org/history

[17] And those of Australia, Canada and Kenya, among others (Teer-Tomaselli, 2008: 74).

development would continue with the introduction in the 1950s of Radio Bantu, the African languages service on FM, broadcast from several stations dotted, Bantustan-style, around the country. These radio stations were completely free of commercials, the exception being the commercially funded Springbok Radio (Teer-Tomaselli, 2008: 83). But since 1972 funding from licences started declining as a proportion of SABC's income as commercial funding from advertising increased, particularly after the introduction of television in 1976.

So, what do we learn from this in terms of the framework provided by Hallin and Mancini? On the development of media markets, in South Africa, as in the rest of southern Africa and most of the Commonwealth countries, public broadcasting preceded commercial broadcasting. Springbok Radio was only launched in 1950. For Reith, broadcasting had to be for the nation's interest. One could argue that having recently emerged from World War I, the Reithian system was really to create a nation out of Britain and was promoting parliamentary democracy. But when the Nationalist Party (NP) came into power in South Africa in 1948, it used the SABC for different purposes – to serve the grand plan of Apartheid – which continued when television was introduced in 1976. It had a political function. The "nation" was splintered along ethnic, 'race', and language lines, each identifying with a particular radio station or television channel. This pattern fits more into the "horizontal" direction of communication as in Southern Europe (Hallin & Mancini, 2004: 22). The SABC was thus not a public broadcaster, but was a state broadcaster, because there was clearly a direct link between the South African apartheid state led by the National Party and the media system that it enabled, or allowed, or shaped.

Political parallelism featured highly in the pre-1994 SABC version of a public broadcaster in relation to the National Party. It had become 'his master's voice'. Hallin and Mancini (2004) argue that where political parallelism is high, journalistic professionalism tends to be low. In South Africa, it was taken for granted that there was a difference between print journalism and broadcast journalism, and that the SABC served the state, while the English-language, mainstream, print media (and journalists) were considered liberal and freer, holding pluralist views of the media as the fourth estate. But political economy critiques of the SA media (Tomaselli, 1997; Berger, 1999) and those from a historical perspective (Switzer, 1981, 1995) suggest that as the print

media were owned by capitalists who were integral to the ruling elite and for whom the apartheid conditions were profitable, it was not in their interests to challenge the status quo.

According to Hallin and Mancini, the primary features of the polarised pluralist model are evident in the proximity of political figures to the media, the significant concentration of media coverage on political affairs, and the relatively elitist character of journalism (Hallin & Mancini, 2004: 133). The challenge for the democratic South Africa was to transform the state broadcaster into a bona fide public broadcaster. That meant lessening the links between the state and the SABC and making the public broadcaster more open and more democratic. But this introduced a different kind of political parallelism. Hallin and Mancini highlight political parallelism that applies specifically to broadcasting governance and regulation, where public broadcasting is controlled by the government or political majority. Here the government or Parliament controls the appointment of the board of directors giving control to the majority party (2004: 30). South Africa falls into the latter category since the ANC-dominated Parliament appoints the SABC board.

Another feature of political parallelism noted by Hallin & Mancini is clientelism, which often involves private and public media instrumentalisation. Loyalty to politicians or political parties determine public media appointments, and not merit, while private media owners rely on political connections to secure government contracts and concessions. These media properties are frequently used for negotiating with elites and intervening in politics, often being the primary purpose of ownership. This leads to high political parallelism where a strong clientelist tradition exists (Hallin & Mancini, 2004: 58). Common public interest – one of the cornerstones of public broadcasting – is usually a casualty of clientelism. Individual or group interests count more. In a later section I consider Lodge's (2014) discussion of clientelism when he deals with neopatrimonialism in the ANC.

Hallin and Mancini's fourth dimension, the role of the state, includes government policies which are key in determining media systems and in shaping media institutions. Hadland is rather vague on how this plays out in South Africa, referring to unspecified "possible interventions" and "the state's antagonism" (2007b: 9).

The SABC's public service broadcasting mandate is laid out in the Broadcasting Act 4 of 1999. Chapter 4 of the Act sets out the obligations of the SABC as:

> (4) The Corporation must encourage the development of South African expression by providing, in South African official languages, a wide range of programming that….
>
> > (d) advances the national and *public interest*….
>
> (6) The Board must ensure that there is *public* participation in the development of the policies referred to in subsection (5) by inviting and considering *public* comment on such draft policies and by other means.
>
> (7) The Corporation must provide suitable means for regular inputs of *public opinion* on its services and ensure that such *public opinion* is given due consideration.
>
> (8) The Corporation must develop a Code of Practice that ensures that the services and the personnel comply with…
>
> > (f) a high standard of accuracy, fairness and impartiality in news and programmes that deal with matters of *public interest*.
>
> (Broadcasting Act 4, 1999 – the italics have been added)

It is clear then that notions of "public", "public opinion", and "public interest" are intrinsic to how the SABC fulfils its *public service* mandate, necessitating their exploration and their connection to the "public sphere". I turn to this now.

The Public Sphere

The public sphere theory was first espoused by German social theorist and philosopher, Jürgen Habermas (1962), who probed the meaning of "the public" and "public opinion", and their place in political power and a representative democracy. His concept of a public sphere refers to a space constituted by the media where individuals can participate in "rational critical debate" about matters of public concern. It is "a realm of our social life in which something approaching public opinion can be formed. Access is

guaranteed to all citizens" (Habermas et al, 1974: 49). According to Rutherford, the success of the public sphere depends upon:

- the extent of access (as close to universal as possible),
- the degree of autonomy (the citizens must be free of coercion),
- the rejection of hierarchy (so that each might participate on an equal footing),
- the rule of law (particularly the subordination of the state),
- and the quality of participation (the common commitment to the ways of logic). (2000: 18)

Criticism of Habermas's public sphere was directed at the exclusions based on class, gender, and ethnicity (Fraser, 1992; Kellner, 2013). Even though it remained an ideal, Habermas's public sphere's unitary form has also been found wanting, particularly in relation to 21st century conditions of a globalising world.

Nancy Fraser (1992), for example, highlighted the negative impact of inequality within civil society on public opinion and argued that for political democracy, social equality was non-negotiable. This was not possible with the singularity of Habermas's bourgeois public sphere which she pitted against multiple publics in two forms of modern society – "stratified" and "egalitarian" (1992: 122). In stratified societies – such as South Africa– powerful elites would subsume the needs and aspirations of the less powerful – by race, gender, class – into the hegemonic public sphere where they would be supplanted by those of the powerful. The existence of multiple public spheres – "counterpublics" of the subaltern (Warner 2002), or smaller public spheres, sphericules (Gitlin, 2002) – would therefore be more advantageous for less powerful communities (Fraser, 1992; Kempf & Sevignani, 2024: 68). Gitlin argues that egalitarian, multicultural societies have a diversity of public spheres (2002).

In response to these criticisms, Habermas conceded that society was replete with intersecting public spheres with special interests, facilitating the flow of communication (1992: 424–5). But he proposed that counter-spheres not be excluded from the public sphere, but that the hegemonic public sphere absorb them and through rational deliberation, arrive at a consensus. Korstenbroek (2022), like Fraser, insists that "any deliberative consensus will always reflect underlying power differences that perpetuate

these hegemonic discourses" (2022: 73). Taking this viewpoint further, Lunt & Livingstone (2013: 91) argue that:

> if deliberation is to play a role in modern liberal democracy, this must be enacted through multiple paths of connection and dependency, enabled or impeded at different levels and by a host of agencies; the result is the constitution of multiple public spheres rather than a unified expression of popular sovereignty.

Habermas's public sphere theory and the discourse of singular and multiple public spheres is useful in South Africa where the new democratic order was supposed to counter Apartheid when access to, and exclusion from, the hegemonic public sphere was primarily determined by race, and "deviant non-hegemonic [white, anti-apartheid] views and ideological standpoints" (Korstenbroek, 2022: 73) were excluded. These conditions were conducive to civil society creating counter-spheres – under the umbrella of the anti-apartheid movement – in resistance to the hegemonic discourse of the time. Post-1994, the racial exclusion persists, as do exclusions along class, gender, urban vs rural and literacy lines. This thesis argues that factionalism within the ANC increased under the Jacob Zuma presidency (Cooper, I. (2015). Zuma, Malema and the provinces: factional conflict within the African National Congress. *Transformation* 87: 151–174), thereby increasing exclusions – tribal, paternalistic – and in so doing re-shaped the public sphere in ways that can usefully be understood in terms of Tom Lodge's (2014) account of 'neopatrimonialism' in South Africa, discussed below. This work can be seen as building on Mahmood Mamdani's (1996a) structural account of the colonial creation of 'citizens and subjects'.

Citizen, Subject and Neopatrimonialism in South Africa

One way of understanding the SA political system between 2008 to 2018 is through Tom Lodge's account (2014) of neopatrimonialism, which interrogates the nature of the transformations of politics post-1994. It shows how historically rooted they are, and how their contemporary transformations shaped the relationship between the ruling party and civil society. He looks at neo-patrimonial politics in the ANC, offering a context for understanding the changing relationship between the ANC and the SABC.

The concept of patrimonialism was developed by Max Weber in the early 20th Century as a mechanism "to explore political systems in which a ruler exerts power on the basis of kin ties, patron-client relations, personal allegiances, and combinations thereof, with few formal rules and regulations" (Charrad & Adams, 2011: 7). Neopatrimonialism is a hybrid form of governance encompassing patrimonial domination and legal-rational bureaucratic domination. As De Sousa & Cuadrado write:

> Patrimonial domination is informally exercised through personal power relations between the ruler and the ruled with no clear distinction between the private and the public realm. The ruler dominates the public realm, state power and resources, through informal politics with few or no limitations…Legal-rational bureaucratic domination consists of formal institutions with structures and rules to govern the public realm for the "common good" or in accordance with the formal interests of the state. (2023: 318)

Whereas relationships in patrimonialism are grounded in shared customs and built on loyalty, in neopatrimonialism they are mostly transactional. As De Sousa & Cuadrado (2023: 320) argue:

> …neopatrimonialism is intentionally constructed by elites to promote their interests in capital accumulation and to maintain power (Di John, 2008) through the concentration of power, clientelism (more precisely, patronage), corruption and rents (Kelsall, 2011).

In Africa neopatrimonialism originates from the collision of the colonial state and the precolonial administration, where the former was governed by a legal-rational bureaucracy that did not extend to the latter, which was governed indirectly via traditional leadership in a system of patrimonial domination (Bratton & Van de Walle, 1994,[18]cited in De Sousa & Cuadrado, 2023: 332).

This concurs with Mamdani's work in *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (1996a) which explores how colonial Africa was organised.

[18] Bratton, M. & Van de Walle, N. 1994. "Neopatrimonial Regimes and Political Transitions in Africa", World Politics, 46 (4): 453–489. https://doi.org/10

For Mamdani, the bifurcated colonial state "crystallized into two forms of authority: the first, a civil power speaking the language of rights, the second, a 'customary' power speaking the language of tradition" (Mamdani 1996b: 4). The former referred to the racially defined colonialists and settlers, and a carefully selected few indigenous people who enjoyed civil rights and were regarded as 'citizens', while the latter applied to the majority, indigenous, predominantly rural people who were subjected to autocratic customary rule and were constituted as subjects. South Africa's Constitution recognises these two forms of rule: one governed by the Constitution, the other by custom and tradition. Mamdani argues that the former is democratic, while the latter is despotic. Those ruled as subjects have no 'civil rights' other than those granted by chiefs in various chiefdoms, whereas citizens can appeal to the Constitution to seek 'justice' and adjudication. What is significant about this political structure, Mamdani argues (1996a), is that it highlights the interconnections between politics/power and culture. These two kinds of power are woven into the fabric of the South African body politic and shape power relations within and between institutions such as the ANC and the SABC.

This bifurcation of colonial rule was mirrored during the struggle and resistance against colonialism (and apartheid) – the urban resistance taking on the discourse of civil rights, while rural resistance took on a tribalist form (Mamdani, 1996a).

When the colonies gained independence from the late1950s onwards, African leaders accepted the borders of the territorial-states[19] that had been left behind. Africa, excluding Southern Africa, is regarded as having the highest levels of neopatrimonialism, but De Sousa & Cuadrado argue that neopatrimonialism is not an exclusively African phenomenon. Rather, it takes different forms in different kinds of political and economic regimes:

> In advanced Western economies, rent-seeking is done through legal and institutional influencing by lobby groups, political parties, labour unions and legal campaign contributions to parties…In developing economies, in contrast, the rent-seeking is done through patron–client networks, illegal

[19] "Territorial state" refers to a specific geographical area and population that the colonising authorities imposed territorial jurisdiction over (Mazzoleni, 2023: 44), as opposed to a nation state, which is a sovereign territory containing one homogenous nation with shared historical and cultural aspects (https://www.e-education.psu.edu/geog128/node/534).

> forms of rent-seeking or corruption, along the lines of the practices of neopatrimonialism… (, 2023: 326)

Neopatrimonialism is thus a useful way of analysing state politics in South Africa. Lodge (2014) proposes three ways that neopatrimonialism in the ANC may be understood. First, to consider whether neopatrimonialism has had a long history in the ANC but may have been concealed or suppressed during the decades when the liberation movement was in exile and took up an armed struggle. Second, to examine the ANC's historical links to criminal syndicates both before and during the exile years, and what impact the new democratic order may have had on them. Last, he considers whether the neo-patrimonial tendencies reflect something larger in the country's political and economic life (Lodge, 2014: 1).

Lodge's characterisation of neopatrimonialism as lingering norms and habits from colonial times speaks to Mamdani's citizen and subject theory because the legal-rational sphere was limited to the small urban centre, while the bulk of the population was subject to indirect rule under patrimonial domination by chiefs (Lodge, 2014: 5). The ANC was formed in 1912 by elites with networks forged through family, kinship, religion, and education (Lodge, 2014: 6). Even after it became a mass organisation, the party's leadership continued to be drawn from the lineage of those founding elites (Lodge, 2014: 8). In the 1940s and 1950s ANC leaders participated in official segregationist and Apartheid institutions such as advisory boards, some of them through the buying of votes (Lodge, 2014: 7–8). Through these institutions they could exercise power to allocate public goods, which not only nurtured an environment that became ripe for clientelism but normalised it as a social practice.

The second way Lodge looks at neopatrimonialism in the ANC is through the organisation's links to criminal syndicates during the exile years.[20] Some of these links started out as necessary to facilitate the clandestine operations of an underground movement. This nurtured a proclivity for patrimonial tendencies and in post-democracy South Africa: "There is considerable evidence that the legacy of these relationships continues to shape ANC politics" (Lodge, 2014: 10). This is a politics of ANC leaders

[20] Joe Modise who became Minister of Defence in 1994, an appointment that made him a major beneficiary of the corruption around the 1997 arms contract, was a one-time gangster in the Johannesburg township of Alexandra (Lodge, 2014: 9).

being beholden to "big men" with deep pockets to fund ANC activities – including canvassing for support in rural areas where Bantustan leadership was entrenched. Co-opting these leaders meant entrenching "established patterns of clientelistic politics" (Lodge, 2014: 17). Also bankrolled in that process were the ambitions of party leaders to acquire and maintain excessively materialistic lifestyles (Lodge, 2014: 12). The ANC also takes advantage of its incumbency in government to link support for it as a party to rewards that are accrued via the state. "In such transactions, citizenship is reduced to the passive role of beneficiary" (Lodge, 2014: 16).

The last explanation for the ANC's neopatrimonialism can be found in South Africa's political economy. Lodge argues that legislation to fast-track the redistribution of resources to previously disadvantaged individuals/persons:

> has prompted programmes of market reform which themselves have helped to create openings for oligarchical accumulation through the privatization of state assets or the 'outsourcing' of public services… state and business transactions involving 'relational capital' have become increasingly important, because of the role that political patronage is playing in tendering. (Lodge, 2014: 19)

This incentivises companies to appoint politically connected individuals to benefit from government procurement. Lodge points to this as the reason for the rising fortunes of the Zuma clan during his presidency (Lodge, 2014: 20).

Conclusion

This chapter examined social and media theories that enable one to understand how the ANC was able to shape the practices and policy of the SABC, transforming it from a public broadcaster in 1994 to an ANC/party/state broadcaster in the Zuma Presidency. I probed the media theories of Hallin and Mancini (2004) on how media systems relate to their political, social, and economic context, and followed that with Hadland's (2007) application of the model to South Africa. Hadland identified high levels of political parallelism, the closeness of connections between a political system and the media of a country, and a strong self-regulation regime. I then explored the Public Sphere, a related media theory, that explains the role the media play in constituting a civic space enabling 'rational critical debate' in a democracy. I then turned to social theories, exploring Mamdani's (1996a) theory of 'citizen and subject' that identifies how colonial rule in southern Africa shaped contemporary structures of rule.. I linked ideas about these colonial and contemporary forms of rule with Lodge's (2014) study of neopatrimonialism in the contemporary state to understand the subtle ways in which power worked during the Zuma period, thereby enabling the ANC to influence the SABC's organisational structures and its journalism.

CHAPTER 3: METHODOLOGY

Introduction

This study examines the relationship between the ruling party, the ANC, and the public broadcaster, SABC, critically looking at the dynamic between the two organisations during the decade (2008-2018) that included the Zuma Presidency. This was accomplished by analysing policies and practices regarding broadcasting and media freedom, cadre deployment and board selection, and less formal mechanisms using these as a reference point for understanding how the factional battles within the ANC transformed the public broadcaster.

The research probed this question:

- How have changes in the ANC leadership shaped changes inside the SABC – the Board, CEO, heads of Radio, Television and News?

To answer this question, I sought a methodological framework that would provide a structured set of procedures, methods, and tools that would systematically guide the research process: outline the steps of the research project, select methods for data collection, apply analytical techniques, and interpret the results.

Researchers have two key methodological frameworks at their disposal, chosen based on their research questions, desired data type, and preferred methodology: namely quantitative and qualitative research methodologies. The quantitative research framework utilises numerical data and statistical analysis to test hypotheses and reach conclusions. It involves structured data collection through surveys, experiments, or other quantitative methods. The qualitative research framework, on the other hand, explores intricate social phenomena through the collection of non-numeric data via techniques such as interviews, observation, and document analysis (Creswell, 2013). This study makes use of the qualitative framework. The chapter proceeds by discussing Qualitative research under the following headings: (a) Credibility, Reliability and Validity; (b) epistemological theories: critical theory and constructivism; (c) Research Design, considered under headings Sampling, Gaining Access, Data Collection; Data Analysis, and finally (d) Ethics.

Qualitative Research

Early definitions of qualitative research merely noted that it was 'different' from quantitative research and involved travelling far from home to conduct ethnographic research on strange people and their cultures (Paulus & Lester, 2022). More recently, there may still be travelling, but the essence of qualitative research is the immersion of the researcher in the lives of those being studied (Bryman, 2004). Whereas quantitative research uses the statistical, logical, and mathematical methods of natural sciences, qualitative research uses observation and interpretation of human behaviour (Denzin & Lincoln, 2018). It is "a situated activity that locates the observer in the world [and] consists of a set of interpretive, material practices that make the world visible" (Denzin & Lincoln, 2018: 43). For qualitative researchers, that world is not a single, static phenomenon that we can all agree upon as "reality" as in quantitative research. Instead, they seek to understand how individuals experience and interact with their world at a specific moment and within a specific context. In essence, "particular actors, in particular places, at particular times, fashion meaning out of events and phenomena through prolonged, complex processes of social interaction involving history, language, and action" (Schwandt, 1998: 221–222).

There are three philosophical underpinnings to research: ontology, epistemology, and methodology. Ontology refers to being in the world, or how we understand the world 'to be'. Epistemology refers to theories of knowledge or knowing (how we know). Together, ontology and epistemology help to clarify the decision-making regarding the methods of research, demonstrating the practical ways that the methodology has been implemented.

Central to all this is the researcher, who approaches the world with a set of predetermined ideas of the world (ontology), which then determine the questions they ask (epistemology), the responses to which are then examined and analysed (methods). As Denzin & Lincoln note:

> Every researcher speaks from within a distinct interpretive community, which configures, in its special way, the multicultural, gendered components of the research act. (2018: 52).

They argue that throughout the various stages of the research, this "biographically situated" researcher looms large. The makeup of the researcher includes race, gender, ethnicity, language, and social class. It is through those lenses that she views the world.

In addition to my identity as a researcher, as described above, is my location/locatedness in the South African media during the period in question. After graduating with an Honours degree in Journalism and Sociology 40 years ago, over the following decades I worked for most of the country's well-known media houses. For the last eight years I have been a lecturer in journalism at a local university. I have been entrenched in the South African media landscape for a very long time. That comes with a significant repository of knowledge of not only the history, values, and practices of the industry, but the personalities involved, having worked, or been acquainted, with many in one forum or another. This places me in an advantageous position of being a researcher with insider insights. From a positivist perspective insider research was once considered not to be as rigorous as that performed by an outsider, which was deemed to be more objective (Chavez, 2008). However, a counter-argument has been advanced that "the insider-outsider distinction is a false dichotomy" (Chavez, 2008: 474) since both outsiders and insiders must address methodological challenges related to identity and the situated knowledge that stems from their respective positions.

(a) Credibility, Reliability and Validity

Research data does not communicate independently; instead, it is interpreted by researchers who, like all individuals, possess biases. Qualitative research has been criticised for this reliance on the observations and interpretations of the researcher, that it may be 'unscientific' (Denzin & Lincoln, 2018: 551). The researcher is then compelled to demonstrate the credibility of their studies. Credibility concerns both the credibility of research participants and the accuracy with which the researcher portrays their experiences. It speaks to the trustworthiness of one's data collection and analysis methods. Essentially, it gauges how effectively one can establish the accuracy and dependability of one's conclusions. While in quantitative research credibility is derived from the "instrument construction", in qualitative research, "the researcher is the instrument" (Patton, 2001, cited in Golafshani, 2003: 600). The researcher can strengthen credibility through various means such as triangulation, prolonged engagement with participants across different contexts and over time, reflexivity in

which researchers reflect on their own biases and their influence on the study, and peer review involving another researcher's assessment of the congruence between raw data and the final report (Guba & Lincoln, 1985: 328, cited in Morse, 2018: 1380)

Reliability and validity are usually associated with the positivist approach of quantitative research where reliability means one can do the same thing over and over and achieve the same results. Validity in a quantitative study refers to the degree to which a concept is accurately assessed or measured (Heale & Twycross, 2015). Validity in qualitative research pertains to the inferences drawn from research rather than the designs or methods themselves. The same designs can lead to varying degrees of validity in different situations. "No method guarantees the validity of an inference" (Shadish et al, 2002). The approach qualitative researchers take to facilitate reliability and validity is triangulation, which is a multiple method strategy that is a check for consistency. Triangulation is "a validity procedure where researchers search for convergence among multiple and different sources of information to form themes or categories in a study" (Cresswell & Miller, 2000, cited in Golafshani, 2003: 604).

The methods this study has used help establish its validity: data gathering through accessing archival historical material, conducting in-depth interviews with open-ended questions, triangulation to check interviews against one another and against other forms of documentation, and using thematic analysis to interpret the data. Further, my near-four decades of working in the media industry means I thoroughly understand the context, which enhances the credibility and reliability of this research.

(b) Epistemological Frameworks

This study employs a few theoretical frameworks to make sense of the data that has been gathered. At a macro level, the thesis positions itself within a Critical Theory perspective, a realist paradigm that seeks to produce knowledge that is situated historically and is concerned with understanding the social foundations of society to effect change. 'Critique' is central to Critical Theory[21] (Dant, 2003). It is a paradigm that is interpretive, creating the meaning of events and relations through language, and

[21] It is also important for democracy. Adorno contends that the separation of powers of the legislature, executive and judiciary enables each branch to critique the other, the essence of democracy. (Dant, 2003)

considers the debates between different perspectives. As these perspectives on events and people change, so too do the interpretations.

The roots of Critical Theory are Marxist, a materialist-realist ontology, that contends that "the real world makes a material difference in terms of race, class, and gender" (Denzin & Lincoln, 2018: 57). The label refers to the work of German philosophers, among them Adorno, Horkheimer, Marcuse, Benjamin, and Habermas, known as the Frankfurt School (Dant, 2003). They differentiate a 'critical' theory from a 'traditional' one, noting that the former is a "liberating" influence that would "emancipate" humans from slavery (Horkheimer, 1992: 246). This is what makes the epistemology "transactional" as it points to "one set of actions [that] causes other interactions and responses" (Wisker, 2008: 79).

This thesis has combined this interpretive paradigm with constructivism. Denzin & Lincoln offer an all-encompassing definition:

> The constructivist paradigm assumes a relativist ontology (there are multiple realities), a subjectivist epistemology (knower and respondent co-create understandings), and a naturalistic (in the natural world) set of methodological procedures. Terms like credibility, transferability, dependability, and confirmability replace the usual positivist criteria of internal and external validity, reliability, and objectivity. (2018: 57)

The purpose of my study justifies me combining Critical Theory and constructivism. I find resonance in what Clifford Geertz (1993, cited in Lincoln *et al*, 2018) called a "blurring of genres", or the 'interbreeding' of paradigms (Lincoln, 2018). Rather than fixate on where they diverge, it is more useful to explore how they converge because this blurring signifies the dynamism of qualitative research (Lincoln *et al*, 2018). There is very little that separates the ontologies, epistemologies, and methodologies of Critical Theory and those of constructivism. The ontology of Critical Theory is historical realism while that of constructivism is relativism (Lincoln et al, 2018). The aim of Critical Theory inquiry is "critique and transformation, restitution and emancipation" while that of constructivism is "understanding, reconstruction" (Lincoln et al, 2018: 217). However, both consider values in research as formative.

Bogna et al (2020) merged critical realism and constructivism in their research and found that by adopting a multiparadigm model it became possible not only to interpret social phenomena, but also to determine their causality, resulting in a more comprehensive response to the research question and a deeper understanding of the studied phenomena. They concluded that this research approach broadened the scope of qualitative inquiry in organisational research (Bogna et al, 2020: 461).

Using both Critical Theory and constructivism has helped me to understand the social, political, and economic conditions that shaped the Broadcasting Act 4 of 1999 and the ANC internal party Policy of Cadre Deployment, adopted at the organisation's 1997 Conference, and how these were implemented at the SABC between 2008 and 2018.

(c) Research Design

Research design, in its broadest sense, involves focusing on the research question and the objectives of the study: "What information most appropriately will answer specific research questions, and which strategies are most effective for obtaining it" (Denzin & Lincoln, 2018: 58). It outlines adaptable guidelines linking theoretical frameworks firstly to investigative approaches, and secondly to techniques for gathering empirical data. A research design connects the researcher with locations, individuals, communities and organisations, and repositories of relevant interpretive materials, including documents and archives.

Sampling

Research designs naturally vary depending on the focus of the inquiry. Each scenario presents distinct sampling challenges, shaped by the underlying paradigm directing the research and the research questions that have been posed. As a result, "many postpositivist, constructionist, and critical theory qualitative researchers employ theoretical or purposive, and not random, sampling models" (Denzin & Lincoln, 2018: 553) with the aim to target specific groups, settings, events, artefacts, and individuals where the studied processes are most likely to occur. With purposive (or purposeful) sampling, the researcher uses her judgement to select members of the population for participation in the study. Researchers use different strategies of purposeful sampling. The one chosen for this research is maximum variation sampling since it entails identifying and actively seeking individuals who represent the broadest spectrum of

characteristics relevant to the study (Merriam, 2016: 97). Maximising differences at the outset also maximises the possibility that the study will reflect different perspectives. The size of the sample is another important consideration. A general principle regarding sample size in qualitative research suggests not only studying a limited number of sites or individuals but also gathering comprehensive details about each site or individual examined. "The intent in qualitative research is not to generalize the information (except in some forms of case study research), but to elucidate the particular, the specific" (Cresswell, 2013: 157). For these reasons, this study adopted a small, non-probability, purposeful sample with maximum variation for both interview subjects and documents.

Gaining access

When constructing the sample design, including determining the sample size for a qualitative study, it is crucial to consider how the researcher will access individuals in the sample and to secure their participation in the research. To secure their participation, I emailed a participation information sheet to all potential participants, introducing myself and the purpose of the research. After gaining access to the selected participants, Roller & Lavrakas suggest that the researcher employ strategies to elicit cooperation from them (2015: 28). For this research the invitation to participate emphasised that their participation would be voluntary, and they could withdraw from the study at any time. It further assured potential participants of confidentiality, and if they chose, anonymity in the final report. To indicate their willingness to participate, they had to sign a consent form and email it back to the researcher. None of the individuals selected were still in the employ of the SABC, which meant it was not necessary to seek permission from gatekeepers of the organisation. All the participants were responding in their personal capacity. When it came to setting up interviews with media executives, I did not need an introduction as having been in the industry for more than 30 years I was able to access a fair number of them. However, the politicians were harder to pin down, and, with the exception of three, were not willing to participate in the study.

For documents, the minutes and other forms of record of SABC board meetings would have been illuminating. But getting access to them would have involved a lengthy process which time did not permit. None-the-less, I was able to access documents that

were freely available, such as reports of inquiries at or into the public broadcaster, and board appearances in Parliament.

Data Collection

The research questions determine the data collection strategy that may yield the most extensive answers. Interviews, observations, and documents/artefacts make up the three major sources of data for a qualitative research study. Rather than using one method, a researcher may select one method as the primary one and support it with another. Using more than one method of data collection is encouraged as this "triangulation" enhances the validity of the findings. Triangulation may refer to sources (for example, stakeholders); data collection methods – such as interviews, written surveys, documents; tools (more than one researcher conducting the research or collecting data); theories (more than one theory or theoretical framework applied). As Denzin & Lincoln note, "[T]he concept of triangulation means that an issue of research is considered—or, in a constructivist formulation, is constituted—from (at least) two points or perspectives" (2018: 779).

As this study uses qualitative research methods, the researcher plays a prominent role in data collection as selector of participants and as interpreter of the data. For this study, I chose interviews and documents/archival materials, as the most appropriate sources of data.

Interviews

According to Seidman, "We interview in order to come to know the experience of the participants through their stories. We learn from hearing and studying what the participants say" (2006: 119). Telling a story in an interview is a meaning-making process. One of the advantages of the interview is that it can transcend time and space (Peräkylä & Ruusuvuori, 2018). As a journalist, interviews are not new to me. In fact, interviewing is one of the joys of journalism to me, because I am interested in people and their stories. This study undertook social science interviews which are a qualitative method based on realist and interpretive epistemologies and are associated with ways of understanding the world which are non-positivistic. This means the world can change, meanings can change, and circumstances are critical.

Unlike in the natural sciences, where the subjects of inquiry cannot talk, the subjects in social science can think and talk. As in journalism, the basis of a qualitative research interview is the interviewer asking questions and the interviewee answering them, and it involves a specific "field of communicability" (Briggs, 2007, cited in Brinkman, 2018). This is "a social construction of communicative processes, which is a product of cultural-historical practices that enables different roles, positions, relations, and forms of agency that are too frequently taken for granted" (Brinkmann, 2018: 999–1000). In short, our cultures and histories shape the way in communicate in different situations.

Interviews can take unstructured, semi-structured and structured (closed, with a standard list of questions) forms, even though there is no such thing as a fully structured interview, as utterances "spill" beyond the structure before and after the interview proper (Brinkman, 2018). Similarly, no interview is completely unstructured since the interviewer will set things off with a question that provides structure to the conversation. For this study I chose semi-structured interviews to have a greater say in the direction of the interview and allow for follow-up questions, while interviewees also have some control in being able to answer freely. There is a price to pay, though, in the length of the interview and the time it takes to transcribe and analyse the responses.

One of the primary ways we can understand an institution or process is through accessing the experiences of the individuals who make up that institution or who carry out that process (Seidman, 2006). To understand the reasoning behind key broadcasting policies and policy change, and key institutional changes at the SABC (and the ANC), I decided to conduct in-depth interviews with open-ended questions, with persons who would have occupied positions that would have placed them at the centre of decisions about the SABC. Internally, these included former SABC executives and former SABC board members. Externally the focus was on ministers of communications, members of parliament, particularly communication portfolio committee members, ANC leaders involved in setting up policies, and ANC members who could talk about the splits in the ANC and how this shaped SABC policy and practice. The final interview list included five former SABC Executives, two former SABC Board members, one former MP, one civil society activist/academic, one former Minister of Communications and one member of the ANC national executive committee.

Interviewees were prompted to discuss a common set of topics, with varying emphases and tailored to each individual's background. Open-ended questions were posed to allow for the free flow of insights provided by the interviewees. Some interviews were in person, but the majority were conducted over Zoom. The interviews were recorded and transcribed.

Archival Material

While interviews are crucial to understand the changes that took place at the SABC, they are not sufficient as an avenue of inquiry. My research also looked at a range of historical documents, including SABC annual reports and other legal documents; state documents such as white papers, policy documents, parliamentary records of portfolio committees; documents of trade unions, civil society formations and political parties; court records, speeches, media reports of actions and behaviour, broadcast recordings, journals, books, and other published material. While my focus was on the decade that included the Jacob Zuma (ANC) presidency – 2008 to 2018 – to surface how the factional battles within the ANC transformed the public broadcaster, delving into the events that preceded this period was important to understand 'how we got here'.

Data Analysis

Creswell cautions that the process of data analysis in qualitative research is not "off-the-shelf", but is rather "custom-built" and:

> consists of preparing and organizing the data …for analysis, then reducing the data into themes through a process of coding and condensing the codes, and finally representing the data in figures, tables, or a discussion. (2013: 180)

This study uses thematic analysis to identify, organise, and analyse repeated "patterns of meaning" across a dataset (Braun & Clarke, 2006: 91). These patterns of meaning are the themes that are "important or interesting" to the researcher (Maguire & Delahunt, 2017: 3353).

Thematic analysis is useful for this study because it is user-friendly for new researchers (Braun & Clarke, 2006) and is flexible, making it applicable to various theoretical and epistemological frameworks, research designs, and sample sizes (Kiger & Varpio

(2020). For interpretivist orientations, through thematic analysis, the social, cultural, and structural contexts that inform individual experiences and socially constructed meanings can be brought to the fore (Braun & Clarke, 2006). Confirming the appropriateness of thematic analysis, Boyatzis (1998: xiii) states that "Thematic analysis allows the interpretive social scientist's social construction of meaning to be articulated or packaged in such a way, with reliability as consistency of judgment, that description of social 'facts' or observations seems to emerge".

Thematic analysis has its roots in the quantitative tradition of content analysis (Joffe, 2012). It is a systematic coding and categorising approach, very popular in media research, to extract trends and patterns of words used in large volumes of text (Vaismoradi *et al*, 2013). In social science research Braun and Clarke's 6-step framework has been the most influential approach for doing thematic analysis (2006).

The first step entails familiarising oneself with the entire data set. Second, the researcher generates the initial codes, followed by searching for themes by examining the coded and collated extracts. As Kiger & Varpio write:

> [I]f your entire analysis is seen as a house, the individual codes are the bricks and tile, and themes are the walls and the roof. The process of theme identification – how those walls and roof are built – is fundamentally an active and interpretive process. (2020: 5).

This emphasises the centrality of the researcher in mapping how codes relate to one another and constructing the themes. The fourth step, Reviewing the Themes, is a two-tiered analytical process. First, the codes and data extracts within each theme should be checked for commonality. Tier two asks the same questions of themes as tier one asked of codes: there should be coherence of themes within the entire data set. Step 5 involves defining and naming the themes, including creating a narrative that makes clear each theme's importance and relevance to the wider research question. The last step is Producing the Report/Manuscript – writing up the final analysis and findings.

The advantages of thematic analysis, argue Kiger & Varpio, are in its flexibility whether in terms of:

> the type of research questions it can address…the type of data and documents examined; the volume of data analyzed; the choice of

> theoretical and/or epistemological framework applied; and the ability to analyze data with an inductive, data-driven approach or a deductive, theory-driven approach. (2020: 8)

Its main disadvantage has been its inconsistent and inappropriate use of terminology when contrasted with other methods with more defined and rigid frameworks (Kiger & Varpio, 2020: 8).

For this study, interviews and archival material – particularly the Broadcasting Act of 1999 and the ANC's Policy of Cadre Deployment – have been thematically analysed.

(d) Ethical Considerations

An ethics application was submitted for this study. It dealt with issues such as the purpose of the research, the right of participants to anonymity and to participate and/or withdraw from the study, and how the information was going to be recorded and stored.

The research received ethical clearance from the University of the Witwatersrand Ethics Committee in May 2023. The ethics clearance number is H22/11/32.

Conclusion

In this chapter I explained the methodology of this thesis which combined a critical theoretical framework with interpretative and analytical qualitative research methodologies. The methods selected were data gathering through accessing archival historical material and conducting in-depth interviews with open-ended questions and triangulation to check interviews against one another and against other forms of documentation. Thematic analysis was used to interpret the data. I now explore these findings and analyses in the following two chapters.

CHAPTER 4: THE AFRICAN NATIONAL CONGRESS 2008 – 2018

Introduction

This chapter discusses the first set of findings based on the data collection strategy described in Chapter 3 – interviews and archival material. The aim of the study is to probe how the African National Congress (ANC) shaped the practices, policy, and governance of the South African Broadcasting Corporation (SABC) during the Zuma presidency. I do so by examining the political structures and the internal dynamics of the ruling party in relation to the SABC. This entails examining the culture of the ANC to bring to light the impact of its decisions regarding the SABC. The focus is on the organisation in the period following the election of Jacob Zuma as the president of the ANC in December 2007 until his resignation as president of the Republic in February 2018.

The chapter is divided into two sections and proceeds as follows. The first section describes key events or issues critical to establishing how the Zuma presidency contributed to the transformation of the SABC from a public broadcaster to a party/state broadcaster. It does this in four moves: First it examines the ANC's elective conference in Polokwane in December 2007 as the seedbed for State Capture. Second, it considers how President Jacob Zuma usurped the ANC. Third, it considers the 'capture' of the SABC, and finally how digital migration policies and legislation were 'captured'.

PART ONE: The rise of Jacob Zuma and the fall of the SABC

1. Polokwane: Planting the seeds of State Capture

The ANC of 2008, and arguably the one we have today, was born in Polokwane in December 2007 at the party's national elective conference (Sefara, 2008; Vos, 2008). That ANC was conceived in 2005 when President Thabo Mbeki fired then deputy-president, Jacob Zuma, after allegations of fraud (McGreal, 2007; Fikeni, 2009). Zuma's financial advisor and business associate, Shabir Shaik, was convicted for fraud and corruption, and the presiding judge found that there was a "generally corrupt relationship" between the two (*Mail & Guardian*, 2005). Zuma did not go quietly: he campaigned in the structures of the ruling party, gathering around himself a group of people disaffected by Mbeki's rule, and those who had been investigated or charged by

the Directorate of Special Operations[22] (Scorpions), dubbed the "coalition of the wounded"[23] (Vavi, 2019). The unity of this faction was based on "personal loyalty, promises of patronage or influence" (Cooper, 2015: 156). These are the people who ran Zuma's campaign for the ANC presidency.

> In Zuma, powerful elements within the party saw a man who would not be overly troubled by ethical or legal concerns when it became time to cash in their cards for supporting him in his conjoined struggle for political survival and to stay out of jail. (Southall, 2011: 617)

Furthermore, the ANC had not prepared an alternative candidate to Zuma to succeed Mbeki. A Mbeki out of touch with his party's grassroots (Fikeni, 2009; Qobo, 2019) had assumed that he could run for a third term as the party's president, even though he could not serve a third term as president of the country. It was speculated that he would install a proxy at the Union Buildings[24], while he remained the puppet master at Luthuli House[25] (Hunter-Gault, 2007; Media Tenor, 2007). Zuma's supporters, on the other hand, reasoned that as Mbeki's deputy in the party, precedent had it that Zuma would be a shoo-in for the position. That a person fired from a government position for corruption, could be eligible to stand for a position that could lead to the presidency of the country[26] spoke to the weakness in the party's ethics. Part of Zuma's campaign also openly resurrected tribalism, which the ANC had sought to eradicate, when he was styled in posters and T-shirts as "100% Zulu Boy" (Fikeni, 2009; News24, 2014).

Further, in the lead up to the Polokwane conference "an incipient political culture of coercion or violence couched in the rhetoric of revolution and liberation struggle" took root (Fikeni, 2009: 22), represented by the leader of the ANC Youth League, Julius Malema, and the secretary general of alliance partner Cosatu, Zwelinzima Vavi, both

[22] The Directorate of Special Operations (DSO), commonly known as the Scorpions, was established in 1999 as a specialised unit of the National Prosecuting Authority. It was tasked with the dual mandate of investigating and prosecuting national priority crimes, with a primary focus on high-level corruption and organised crime (Kanyegirire, 2008).

[23] "Leaders who had fallen out of favour with Mbeki or who had been subjected to investigations or even charged by the Scorpions found common cause and regrouped around Zuma. These included Tony Yengeni, Billy Masetlha, Ngoako Ramathlodi, Siphiwe Nyanda and Mac Maharaj" (Fikeni, 2009: 8).

[24] The Union Buildings are the official seat of the South African government.

[25] Short for 'Chief Albert Luthuli House', this is the headquarters of the ANC. Luthuli was president of the ANC from 1952 until his death in 1967.

[26] ANC leaders who have been removed from government posts for wrongdoing are often redeployed as ambassadors (Masondo et al, 2020; Maliti, 2023)

vowing to "kill for Zuma" (Botha, 2008). This further polarised party membership and had a chilling effect on anyone who might have contemplated running against Zuma, even after senior leaders such as Winnie Madikizela-Mandela pleaded for a 'third way' candidate to dissipate the animosity created by the Mbeki and Zuma camps. Pallo Jordan added his voice, suggesting it was time for the Mbeki-Zuma generation to make way for new blood (McKenzie, 2007).

The culture of "brown envelopes" – bribery – to influence the voting of the delegates, often perverting the mandate from branches was another culture born at Polokwane. Allegations were that offers included jobs and airtime, and that the vote-buying was happening on both sides (Williams, 2007).

The campaign for Polokwane also saw the emergence of "slates": the rivals for the presidency did not run on their own but had a team of candidates on the ballot for the rest of the Top 6[27] positions, what Somadoda Fikeni called a "winner takes all" scenario (Kagwanja & Kondlo, 2009: media release). This has become a corrosive practice as the losers were marginalised and shut out from government posts, even losing out on being on election lists for the legislature. Zuma's slate also dominated the 80-member national executive committee (Gumbi, 2022). Being on the losing slate has meant being purged by the victors even before elections, as happened to the then-premiers of Western Cape and Eastern Cape when they were fired in July 2008. With the former, this turned out to be a case of cutting one's nose to spite one's face because the ANC went on to lose the Western Cape to the Democratic Alliance (DA) at the 2009 general election and has never regained the province. Ebrahim Rasool[28] blamed his sacking as premier on the African majority ANC leaders tiring of "preferences given to the large coloured and Muslim population of the Western Cape" (Jika, 2011).

Some in the ANC feel this ethnic focus has permeated the application of the party's Cadre Deployment Policy and the government's affirmative action policy and has had a ripple effect into all areas of state employment. Former MP Ismail Vadi says affirmative action is being "vulgarised".

[27] The Top 6 is the president, deputy president, national chairperson, treasurer general, secretary general and deputy secretary general.
[28] Rasool went on to be South Africa's ambassador to the US from 2010 to 2015.

> You can't have a situation where a real appointment is only valid if it's an African person… We can Africanise, yes. We must change the demographics. We must affirm people. But the way in which [affirmative action] is being implemented now, it's almost as if white, coloured and Indian people don't have a place in the public service in this country… And in KwaZulu-Natal there are very capable people who just can't get appointed into senior positions because those in power [want] an African person, and sometimes they even go so far as to say they [want] a Zulu. (Ismail Vadi interview, 2023)

According to Markovitz, an SABC board member from 2017 to 2022, this perceived discrimination is putting off potential candidates from working in the broadcasting public sector (2023). He believed this applied not only to journalists, but also management and technical staff, as people were wary of what they might deal with when employed at a place such as the public broadcaster.

> A lot of people with integrity and skill [when you ask them why they have not applied for advertised jobs] will say, 'You know what? I don't want to work in a highly politicised environment. I want to know where I stand.' Others will say 'I don't think I'll get the job because I'm white.' (Markovitz interview, 2023).

As a result, many people with broadcasting or telecommunications experience would rather join private companies such as MultiChoice, eMedia and Primedia. Ironically, these companies poached many skilled people from the SABC and Icasa. The people who were thus employed could be very good but did not necessarily come with the important industry experience or skills levels (Markovitz interview, 2023).

In addition to cadre deployment, another significant way in which the Polokwane conference consolidated its power was by passing a resolution to disband the Scorpions, the National Prosecuting Authority's (NPA's) special investigations agency which Zuma and his supporters had accused of targeting him and other non-Mbeki aligned ANC leaders. The resolution set July 2008 as a deadline for the disbandment, and for the Scorpions' function to be incorporated into the national police service (Fikeni, 2009: 20). This resolution opened the floodgates for the corruption that would engulf South

Africa for the 10-year period of this study, culminating in the Public Protector's State Capture report that called for the establishment of the Zondo Commission[29] (Madonsela, 2016). State capture refers to a corrupt practice wherein collusion between businesses and politicians aims to manipulate a nation's decision-making mechanisms for their own gain (see Sutch, 2015: 2, cited in Martin & Solomon, 2016: 22). Given that most democracies have legal safeguards to prevent such occurrences, state capture also "involves weakening those laws, and neutralising any agencies that enforce them" (Arun, 2019). In other words, a crucial aspect of 'state capture' is that the state apparatus for policing crime is also captured.

Another legacy of the conference was a call for the establishment of a media tribunal to regulate the media because the faction that gained power believed the self-regulatory regime was ineffective[30], and that the media was untransformed and did not report from an African perspective (Fourie, 2018; Majova, 2007). The media fraternity resisted this strongly, with the South African National Editors' Forum instituting a Press Freedom Commission in July 2011, chaired by retired chief justice, Pius Langa. Among its recommendations was the concept of co-regulation (Botma, 2014). Somewhat pacified by the Commission, but not quite, the ANC continued to hold the threat of a tribunal over the media and would bring it up from time to time.

But the point had been made that the media had been put on terms and the new leadership would not hesitate to exercise its power even if that went against the ANC's historical commitment[31] to media freedom.

2. How Jacob Zuma became the ANC

The forces of "radical economic transformation" (RET), as espoused by the tripartite alliance, framed the Polokwane conference as a challenge to "the ideologues of neoliberalism", represented by Thabo Mbeki, who had replaced the government's

[29] The Judicial Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector including Organs of State, better known as the Zondo Commission.

[30] Contrary to this perception, an investigation by the Press Council found that in two-thirds of complaints that it had adjudicated, the outcomes favoured ANC ministers and government departments (Louw, 2010).

[31] "I cannot overemphasise the value we place on a free, independent and outspoken press in the democratic South Africa we hope to build ... A critical independent and investigative press is the lifeblood of any democracy. ... [It] will be the vigilant watchdog of the South African public against the temptation to abuse power. ... The [ANC] has nothing to fear from criticism" (Mandela, 1992, 1994).

Reconstruction and Development Programme (RDP) with the conservative macroeconomic strategy, Growth, Employment and Redistribution (Gear) (Nhlabathi, 2017). But no major policy changes emerged from the Polokwane conference. Addressing the party after his election, Zuma promised a continuation of Mbeki's market-oriented policies:

> ANC policies, including economic policies that have been adopted at this conference, do not indicate a fundamental shift from the policies that the ANC has adopted since it has come into power. (The Associated Press, 2007)

Indeed, Gear had produced an economic boom for 10 years with annual growth exceeding 5% since 2005, even though there was very little trickle down to the majority mired in poverty and very high unemployment (McKenzie, 2007; Hartley, 2013).

Polokwane was arguably more about a change of leadership and leadership style, and about "internal bleeding and fracturing" of the ANC (Fikeni, 2009: 4). Soon after the conference this new leadership set about re-establishing Luthuli House, not the Union Buildings where Mbeki was still ensconced, as the centre of ANC power. In the battle of the "two centres of power", with Mbeki leading the state and Zuma the party, party leaders in government were constantly reminded that they were deployed and serving at the pleasure of party chiefs and could be recalled (Zuma, 2008; Booysen, 2011). Mbeki was obviously the main target of these barbs, and the "Pirates of Polokwane"[32] soon set in motion his removal when they fast-tracked the swearing-in of ANC deputy president, Kgalema Motlanthe, as an MP in May 2008. The official reason was that he had to be a part of Cabinet to facilitate a seamless handover from the Mbeki cabinet to the cabinet that would take over after the 2009 national elections (Fikeni, 2009: 22). Some analysts speculated that with a corruption trial for bribery, fraud, and other wrongdoing in connection with the arms deal still hanging over Zuma's head, Motlanthe could end up being the president of the country should the case not be resolved in time (Reuters, 2008).

Mbeki took his time and only appointed Motlanthe to his cabinet on 12 July 2008. Two months later, he was removed as president of the country and replaced by Motlanthe.

[32] Title of a Zapiro book of cartoons.

This was thanks to one of the most remarkable interventions by a court in political matters within the democratic era.

To explain: Two days after Zuma's election at Polokwane on 18 December 2007, the National Prosecuting Authority announced that it would be charging the new ANC president with corruption for accepting bribes worth R4 million from French defence and aerospace company, Thales (formerly Thint in SA). Then National Director of Public Prosecutions, Mokotedi Mpshe, informed a radio station that "The investigation, with the evidence we have now, points to a case that can be taken to court" (McGreal, 2007). Zuma was indicted on 28 December on various counts of racketeering, money laundering, corruption, and fraud. The timing fed into the conspiracy theory that Mbeki was using the state apparatus to stop Zuma from becoming president of the country. Michael Hulley, Zuma's lawyer, commented:

> The timing of the service of the indictment is calculated to quickly redress the popular support and call to leadership of the ANC which Mr Zuma's election so obviously demonstrates. These charges will be vigorously defended, in the context of the belief that the Scorpions have acted wrongly and with improper motive calculated to discredit Mr Zuma and ensure that he plays no leadership role in the political future of our country. (*Mail & Guardian*, 2007)

Zuma's critics, on the other hand, accused him of seeking the highest office in the land to prevent a prosecution (*The Guardian*, 2007). Adding fuel to this speculation, Zuma's supporters threatened violence should his corruption trial go ahead (Fikeni, 2009: 24). They also threatened to force an early election (*The Guardian*, 2007). Denying the allegations, and suggesting that his prosecution was for political reasons, Zuma dared the NPA: "If I have a case to answer, then take me to court" and vowed that he would not resign unless convicted (*The Guardian*, 2007; The Associated Press, 2007).

A month before Zuma's trial was to commence on 14 August 2008, the new ANC leadership ramped up its attacks on the judiciary with secretary general Gwede Mantashe accusing the Constitutional Court judges of being part of "counter-revolutionary forces" that sought the destruction of Zuma and the ANC (Letsoalo et al, 2008). This was in response to a Constitutional Court complaint lodged with the Judicial

Service Commission against Cape Judge President John Hlophe that he had tried to influence the apex court's judges on cases that involved Zuma, claiming that he had been "mandated" to do so (Letsoalo et al, 2008). Hlophe denied the allegations, including that he had told the judges some of them would lose their jobs after Zuma took over as South Africa's president (Hlophe v Constitutional Court, 2008)[33]. Significantly, then-Deputy Chief Justice Dikgang Moseneke raised the ire of the ANC when he noted publicly:

> I have another 10 to 12 years on the bench and I want to use my energy to help create an equal society. It's not what the ANC wants or what the delegates [to the Polokwane conference] want; it is about what is good for our people. (M&G, 2008a)

The ANC took this personally, issuing a statement saying its national working committee believed Moseneke's remarks displayed "disdain" for delegates to the party's national conference and that the comments underscored the challenge the judiciary had moving away "from its historical biases and political alignment" (M&G, 2008a). So, when the Constitutional Court judges laid a complaint against Hlophe, Mantashe told the *Mail & Guardian*:

> …if you attack the president of the ANC consistently, you can't look at him as an individual. He is the president of the ANC. You hit the head; you kill the snake. When there is that attack on him it is a concerted attack on the head of the ANC. Everybody will say it is an innocent attack on him. We will know that it is an attack on the ANC. (Letsoalo et al, 2008)

Evidently, not only was the state being conflated with the party, but the person of Jacob Zuma had become the party. Numerous observers cautioned against these ongoing assaults saying they might weaken the country's judiciary, contrary to the goal of entrenching constitutional democracy (Fikeni, 2008: 28). Moseneke was punished when President Zuma snubbed him for the position of Chief Justice in 2011 (see Monare, 2011).

[33] John Hlophe was impeached by the National Assembly in February 2024 following a 16-year legal battle (Madisa, 2024).
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On 4 August 2008, Zuma asked the Pietermaritzburg high court to quash the corruption charges against him. On 12 September, Justice Chris Nicholson granted the order that "the decision taken by the National Prosecuting Authority during or about 28 December 2007 to prosecute the applicant… is invalid and is set aside" (Zuma v NDPP, 2008: 247a). Although the Supreme Court of Appeal (SCA) overturned Nicholson's judgement in January 2009, it had already had far-reaching political consequences for the country. As the SCA noted, even though Nicholson recognised that "political meddling" was not the issue of the application:

> Nevertheless, a substantial part of his judgment dealt with this question; and in the course of this discussion, he changed the rules of the game, took his eyes off the ball and red-carded not only players but also spectators. (NDPP v Zuma, 2009: 13)

The judgement, which did not deal with whether Zuma had a case to answer, was a godsend for Zuma's ANC, as it validated their allegations that Mbeki was pursuing a vendetta against Zuma to prevent him from becoming president of the republic. Within days Mbeki was forced to resign, seemingly because the ANC was concerned that the NPA's appeal of the judgement was very likely to succeed. Mantashe noted: "The biggest worry of the ANC had been the question of a reversal of the closure of the chapter that the Nicholson judgement seemed to have promised" (*Mail & Guardian*, 2008). Mbeki's recall was welcomed by the ANC's alliance partners, but opposition parties were scathing. *Mail & Guardian* (2008) reported that the United Democratic Movement's Bantu Holomisa called it "an act of political barbarity" that could "plunge the country into anarchy", while Helen Zille of the Democratic Alliance said it would be "untenable" for the ANC to install Zuma at the Union Buildings without a court acquitting him of the corruption charges: "If Zuma is put above the law it will do more to undermine the Constitution than anything else."

Four months later, Mbeki was gone. His recall demonstrated that "factional mobilisation could shape the outcome of a succession battle even when the incumbent ruler appeared firmly entrenched within the citadels of state power" (Cooper, 2015: 162).

The SCA made mincemeat of Nicholson's judgement in January 2009, particularly his failure to confine himself to issues before the court (NDPP v Zuma, 2009: 15). The

hurdles to the presidency were back in place for Zuma but the ANC insisted he would be the face of their election campaign and was their candidate for president should they win the election. On 30 January 2009, President Motlanthe signed legislation that disbanded the elite anti-crime investigating unit, the Scorpions, replacing it with the Hawks. While operating under the NPA, the Scorpions maintained nominal independence from the executive branch, whereas the Hawks' operations were under the direct control of the Minister of Safety and Security, who wielded executive authority over the police. Consequently, the unit was deemed inadequately shielded from political intervention (Institute for Accountability in Southern Africa, 2010).

In April, two weeks before the election, the NPA announced that it was "neither possible nor desirable for the NPA to continue with the prosecution of Mr Zuma" (*Mail & Guardian*, 2009) as the case had been manipulated for political reasons. Quoting from telephone recordings between former NPA head Bulelani Ngcuka and former head of the Directorate of Special Operations, Leonard McCarthy, discussing the timing of re-charging Zuma ahead of the Polokwane conference, acting NPA head Mokotedi Mpshe described McCarthy's actions thus:

> an "abuse of process…It's not so much the prosecution itself but the legal process that is tainted…it would be unfair as well as unjust to continue with the prosecution. (Mail & Guardian, 2009)

Interestingly, the recordings had been made by the National Intelligence Agency, which handed the transcripts to Zuma (even though he was not a government official), who had planned to hand them to a court for a permanent stay of his prosecution.

The ANC won the 2009 election with 11.6 million votes (65.9%). Jacob Zuma was sworn in as president on 9 May. In his inauguration speech, he promised:

> I commit myself to the service of our nation with dedication, commitment, discipline, integrity, hard work and passion…Together we must build a society that prizes excellence and rewards effort, which shuns laziness and incompetence. We must build a society that draws on the capabilities, energy and promise of all its people…
>
> We must defend the freedom of the media, as we seek to promote within it a greater diversity of voices and perspectives. We must deepen the

> practice of participatory democracy in all spheres of public life. We must strengthen the democratic institutions of state, and continually enhance their capacity to serve the people. We must safeguard the independence and integrity of those institutions tasked with the defence of democracy, and that must act as a check on the abuse of power. (Zuma, 2009)

His term of office was characterised by the polar opposite of his promises (BBC News, 2018b). Corruption took root, as did malfeasance, looting and wasteful expenditure, all of which destroyed the state-owned enterprises, such as South African Airways, Transnet, Eskom, and Denel (PARI, 2022; see also Appendix 5). During Zuma's term, referred to as "the lost decade" by some (Gasnolar, 2021), there was a systematic assault on the institutions of democracy, including the South African Revenue Service and the National Prosecuting Authority, leaving them hollowed-out shells incapable of meeting the needs of society. Hollowing out the state is a "a deliberate strategy of weakening the government's ability to function in order to achieve ends that elites are unable to achieve through democratic channels" (Suryanarayan, 2020). The extent of the hollowing out was laid bare at the 2018 Zondo Commission on State Capture, established to investigate issues primarily arising from the Public Protector's *State of Capture* report (Madonsela, 2016). Central to multiple incidents of state capture in government departments and SOEs was the Gupta family[34], in whose service Jacob Zuma presided over a system where officials routinely broke the law to divert state resources for their benefit (amaBhungane et al, 2017; see also Appendix 5).

3. The Capture of the SABC

Justice Zondo reported that his Commission (Zondo, 2022a) had found that:

> President Zuma readily opened the doors for the Guptas to go into the state-owned-enterprises and help themselves to the money and assets of

[34] India Today (2022) reported that the Gupta brothers – Atul, Ajay and Rajesh 'Tony' – the sons of a spice importer left their "dilapidated building" in the northern Indian state of Uttar Pradesh for South Africa in 1993 when the country was opening up at the end of Apartheid. Atul had completed courses on assembling, repairing and maintaining Apple hardware, and the brothers started Sahara Computers. "There was no red tape at all". They developed political connections with the ANC focusing particularly on Zuma, well before he became president in 2009. Zuma's son Duduzane became a director of Gupta-owned Sahara Computers and was involved with several of the family's other companies. By the time they fled South Africa for Dubai in 2018, their business network encompassed computers, air travel, energy, mining, technology and media (AFP, 2023).

> the people of South Africa. It is clear that from quite early in his first term President Zuma would do anything that the Guptas wanted him to do for them. (TimesLive, 2022)

One of the things Zuma did for the Guptas was to facilitate the capture of the SABC. In April 2010, the *Mail & Guardian* reported that the Gupta group was planning to launch a daily newspaper that would be sympathetic to the ANC, and that President Zuma and his then COO, Jessie Duarte, had attended a planning meeting at the Gupta's Johannesburg residence. Though denying the involvement of Zuma and Duarte, the *Mail & Guardian* reported Tony Gupta as saying: "Yes, there is a feasibility study we are doing — we have hired some advisers, but nothing is decided yet" (Sole & Brummer, 2010). The Guptas launched *The New Age* (*TNA*) newspaper in December 2010. A month later, speaking at a gala dinner hosted by the newspaper on the eve of a cricket match between SA and India, Zuma was full of praise: "[I]t's a new breath of fresh air in terms of the media because of the number of debates we have had on the way the media should report" (*Mail & Guardian*, 2011).

That same year, *TNA* started hosting breakfast meetings at which cabinet ministers were given a platform to promote themselves and their programmes, that were broadcast on the SABC's Morning Live slot free of charge. While the SABC did not charge for flighting the broadcasts, it carried the production costs. *TNA*, on the other hand, raked in millions in sponsorships that it did not share with the public broadcaster (MyBroadband, 2022; Gerber, 2022). SOEs such as Telkom, Transnet, and Eskom sponsored *TNA* breakfasts at R1 million per breakfast. The Zondo Commission found that Eskom spent almost R60 million in advertising and sponsorship of *TNA* from 2012 to 2014, while Transnet's contracts with *TNA* amounted to R123 million (Tandwa, 2022; MyBroadband, 2022). The commission heard how facilitators used threats and intimidation to pressure government officials to sponsor the breakfasts, and "relied on a culture of silence and compliance from employees in the public entities" to enforce the will of the Guptas (Tandwa, 2022). When former director-general of the Government Communication and Information System (GCIS), Themba Maseko, resisted pressure from the Guptas to channel the government's R600-million advertising spend to *TNA*, they got Zuma to remove him, and replace him with a "facilitator" in the form of Mzwanele Manyi in February 2011 (Bezuidenhout, 2022).

By the time Manyi left in August 2012, he had spent R14 million on *TNA*. In the two years after his departure, GCIS spent a further R17.5 million. National and provincial government departments and ANC politicians also paid large sums to speak at the business breakfasts and to buy tickets to the events. Former Communications Minister Ayanda Dlodlo told Parliament that her department, under her predecessor Faith Muthambi, had spent R1 million for a *TNA* briefing in 2016 (Blignaut, 2017).

Rather than benefit from the *TNA* business breakfasts, it cost the SABC millions to host them (MyBroadband, 2022). News24 reported that when the public broadcaster first signed the TNA contract in 2011, there were only a handful of broadcasts per year, but after taking over the reins as COO, Hlaudi Motsoeneng ramped up the broadcasts to as many as 45 a year, costing the SABC R20 million in outside broadcast costs alone (Blignaut, 2017). Ben Ngubane, SABC board chairperson between 2010 and 2013 told the Commission that the TNA business breakfasts added value to the public broadcaster, claiming, without providing any proof, that, "Our sales kept on improving, so these programmes were, therefore, adding value" (Umraw, 2019b).

The Zondo Commission found that Motsoeneng's "gross abuse of power at the SABC, including diverting public resources vested in the SABC to benefit the Guptas' rival media company" was probably sanctioned by Minister Muthambi and Zuma. The Commission noted:

> TNA serves as an example of the way in which State Capture took hold in South Africa. It shows the extent of the Guptas' influence in the public sector in South Africa as well as the Guptas' strategy to replace officials that were not compliant with their looting scheme. (Bezuidenhout, 2022)

In his testimony at the Zondo Commission Zuma admitted that he proposed the idea for the Gupta family to launch the *TNA* newspaper and ANN7 television channel, citing the need for an alternative media perspective (Nobanda, 2019).

4. Digital Migration and Regulation Capture

The other aspect of the SABC's capture involved MultiChoice, Africa's biggest pay-TV company, ministers of communications, and the public broadcaster's executives. It had to do with digital migration, the switch over from analogue to digital broadcasting. This involved the installation of digital decoders or set-top boxes (STB) that convert the

analogue signals to digital to be viewed on a regular TV. Whereas analogue uses one frequency per programme channel, the advantage of digital broadcasts is that it carries multiple channels in a single frequency, and the freed-up radio frequency spectrum – 'digital dividend' – could be reassigned for an expanded 5G cellphone network (Appolus, 2022). This allows for coverage extending over long distances from the base station. This process facilitated the cheaper roll out of services to the rural areas. As McLeod notes:

> This is hugely important in developing countries like South Africa, where affordability is lower. Also, the longer wavelengths in the digital dividend bands penetrate buildings better, so it improves coverage in the cities as well. (McLeod, 2016)

In a process led by the International Telecommunication Union (ITU), a United Nations agency, countries committed in 2006 to migrate from analogue to digital by 17 June 2015[35]. After the cut-off date, the ITU would cease intervening to safeguard a country's TV broadcast signals if they were overwhelmed by a neighbouring nation's signals, unless those signals had transitioned to digital format (Appolus, 2022; Nene, 2023). Then Communications Minister, Ivy Matsepe-Casaburri, declared that South Africa would complete this analogue to digital terrestrial television migration by November 2011 (McLeod, 2016). The government would provide free decoders to five million poor TV-owning households. Matsepe-Casaburri died in 2009 with very little to show for the digital migration. It took another 10+ years for any movement on the transition, a consequence of corruption, litigation, and cabinet reshuffles (The Media Online, 2022), leading McLeod (2016) to conclude that the country had had a good chance of meeting the ITU deadline, "if the entire project had been left to the planners and technicians at [state-owned broadcasting signal distributor] Sentech". Alas, politics and political squabbles scuppered all that.

The communications minister, Siphiwe Nyanda, and director-general (DG), Mamodupi Mohlala, appointed by the 2009 administration were responsible for the first delay (McLeod, 2016; Ismail Vadi interview, 2023) when they started considering a different digital broadcasting technology, a Japanese standard called ISDB-T, whereas the

[35] Most of Europe and other countries of the North had completed their transition to digital by 2004.

industry understood the government to have already settled on the European DVB-T standard, as detailed in the Electronic Communications Act (Electronic Communications Act: Broadcasting Migration Policy, 2008: 5.1.3.1)

While a debate ensued about the merits of the European system it had been assumed would be implemented, vs the Japanese system that the ministry was now promoting, another year passed. Observers speculated that this related to the adoption of the Japanese system by Brazil, with whom South Africa was forging closer links through the newly formed Brics[36] (McLeod, 2016). While the debate was taking place, Zuma removed both the minister and the DG, a mere 18 months after their appointment and appointed Roy Padayachee as minister in November 2010. The new minister reverted to the original decision to go with the European standard, but he was shuffled out of the communications department in the October 2011 cabinet reshuffle and replaced with Dina Pule. The November 2011 deadline that South Africa had set for itself to complete the analogue to digital terrestrial television migration came and went.

Meanwhile, another debate – about encryption – had been bubbling simultaneously. Government policy envisaged the inclusion of encryption technology in the set-top boxes the government was going to subsidise in the digital terrestrial TV (DTT) migration which would allow conditional access and messaging (Electronic Communications Act: Broadcasting Migration Policy, 2008: 4.2–4.3). This would make the collection of TV licence fees easier as non-payers could be cut off and broadcasters would have access to subscription income without having made an extensive investment. This suited free-to-air e.TV, but not pay-TV broadcaster MultiChoice which had already invested millions of rands over decades in subsidising decoders. This proposed arrangement enabled "upstarts" such as e.TV to "enter the game while taxpayers subsidised the set-top boxes" (Yeo, 2016). But *Mail & Guardian* reported that the conditional access was necessary for new pay-TV broadcasters to offer paid-for services, otherwise "MultiChoice's virtual monopoly would be secured" (Gedye, 2015).

[36] Acronym from the first letters of the first countries that made up the bloc when it was formed in 2009: Brazil, Russia, India and China, with South Africa joining a year later.

On 3 July 2013, the SABC signed an agreement with MultiChoice to provide a 24-hour news channel on the latter's DStv platform[37]. Prior to this deal, the SABC and its free-to-air rival, eTV, had been in favour of encryption. But in this deal with MultiChoice, the SABC agreed that it would transmit its free-to-air channels without encryption. SABC's changed position on digital migration, which was contrary to government policy, led to accusations that MultiChoice had used underhand means to extract this beneficial deal from the SABC (Businesstech, 2013a). For R550 million, the deal would also give the subscription broadcaster exclusive use of the public broadcaster's archival material. Questioning the deal, and that it had been concluded without the participation of SABC CEO Lulama Mokhobo, opposition party DA argued that the deal worked against "the government's set-top box (STB) local manufacturing policy which was designed to boost the local electronics industry and create thousands of jobs" (Businesstech, 2013a). The opposition party also said Dina Pule – who was fired[38] a week after the SABC-MultiChoice deal – had halted "the process to determine the successful proposals to manufacture STBs for the digital terrestrial TV migration" (Businesstech, 2013a).

SABC board minutes indicate that Pule had pressured the board and CEO to approve the deal, "seriously" compromising the independence of the public broadcaster in the process (Businesstech, 2013b). But MultiChoice denied any knowledge of pressure being put on SABC executives, arguing that Mokhobo had negotiated the deal with board approval. "We can't comment on behalf of the SABC on their internal approval process" (Businesstech, 2013b).

In 2013, new minister, Yunus Carrim set about resolving the conflict between MultiChoice/SABC and e.TV over encryption, but the mediation he initiated got nowhere

[37] Ngubane testified that Motsoeneng was sent to India and London to see if he could find a partner for the SABC. After this yielded no results, Ngubane said he was called to a meeting with then communications minister Pule where the SABC was told, "It is important that we talk to MultiChoice because that is the only remaining alternative".
SABC board minutes from 2012 and 2013 back up Ngubane's claim that the instruction to negotiate with MultiChoice came from Pule. SABC board members from the time have confirmed that the pressure to pursue the MultiChoice deal came from Pule and that this was expressed to the board through Ngubane and members of senior SABC management.
SABC board minutes from February 7 2012 reveal that board members were displeased that negotiations were taking place between MultiChoice and the SABC while no documentation had been placed before the board. (Herbst, 2016)

[38] President Jacob Zuma fired Pule after a year of exposés by *Sunday Times* of corrupt deals benefiting Pule's 'boyfriend'.

as neither party was prepared to compromise. Instead, MultiChoice CEO Imtiaz Patel threatened not to renew the eNCA contract on DStv if parent company e.TV persisted with its encryption position (Gedye, 2017). Carrim then tabled a policy in Cabinet in December 2013 for encryption to remain, but for new pay-TV entrants to be made to pay to use it. He said the policy had taken into account the positions of all the parties.

> We are saying that broadcasters are free to decide whether they want to use control or not. There is no compulsion… Both former Minister Pule and I encouraged the broadcasters to arrive at consensus, but to no avail. What else could we do? The country could not be endlessly held to ransom by the feuding of the broadcasters. (Businesstech, 2013c)

The policy was rejected by MultiChoice, which took out a full-page advert attacking the minister for being "in the pocket" of e.TV (Gedye, 2015; Yunus Carrim interview, 2023). This unprecedented step confounded the industry:

> Here was a major broadcaster taking on a government minister in public, in ads sanctioned presumably by none other than Naspers's Koos Bekker. Why did MultiChoice and Naspers[39] feel so emboldened to attack a government minister in this way? (McLeod, 2016)

Carrim links his removal as minister a few months later to his tabling this policy in Cabinet (while Zuma was absent) and MultiChoice's reaction to it (Carrim interview, 2023). In 2015 *Mail & Guardian* reported on a memo written by Bekker during this time to Naspers group's senior management criticising Carrim, saying the minister would not be reappointed after the 2014 elections. Indeed, Carrim was not reappointed, and was not even moved to another department, but sent back to Parliament (Gedye, 2015; Tabane, 2017).

Unexpectedly, Zuma divided the communications department into two: a Department of Telecommunications & Postal Services with Siyabonga Cwele as minister, and a Department of Communications headed by Faith Muthambi. He said the latter new

[39] Naspers completed the unbundling of its shares in MultiChoice Group (MCG) to Naspers shareholders following the listing of MCG on the Johannesburg Stock Exchange (JSE) on 27 February 2019. https://businesstech.co.za/news/media/303118/naspers-completes-multichoice-listing-and-unbundling/

department would be formed out of "components" including the Independent Communications Authority of South Africa (Icasa), SABC, Brand SA, the Media Development and Diversity Agency (MDDA), and the Government Communications and Information System (GCIS) and would be responsible for "communication policy and strategy, information dissemination and publicity as well as the branding of the country abroad" (Zuma, 2014). Freedom of expression advocates, opposition parties and industry experts were critical of this move, arguing that grouping the public broadcaster with the state propaganda service (GCIS) in what was essentially an "information ministry" posed a threat to the independence of the SABC. They also argued that hiving off the telecommunications component, placing oversight of the mobile and broadcasting infrastructure in separate departments was astonishing when the country needed to be moving to a converged ICT environment (Public Media Alliance, 2014). And finally, concern was expressed over the appointment of Cwele as telecommunications minister when in his previous four years' appointment as State Security Minister he had presided over the Protection of State Information Bill, dubbed the "Secrecy Bill" by its opponents. DA shadow minister for communications Marion Shinn said the appointment showed that the government intended "to control the Internet, its various platforms and electronic surveillance" (Valentine, 2014).

According to news reports on the #GuptaLeaks[40] emails (News24, 2017) MultiChoice expressed frustration that with the new configuration, Communications Minister Muthambi did not have the broadcasting powers to make a difference in the encryption saga and prevailed on the Gupta brothers to intervene. President Jacob Zuma did transfer those powers to Muthambi at the end of 2014 and she promptly set about reversing the December 2013 policy on encryption signed by Carrim. Shortly thereafter, MultiChoice made a R25-million payment to ANN7 and increased its annual payment to the Guptas' TV channel from R50 million to R141 million. MultiChoice denied there was a connection between the payment and the policy change in its favour, saying that the payments were to help the fledgling channel with its operating costs and to improve production quality. When questioned about leaked emails that showed that a

[40] Early in 2017, investigative journalists obtained an enormous trove of emails and documents from the heart of the Gupta business empire. The subsequent exposés were dubbed the #GuptaLeaks (amaBhungane et al, 2017) https://www.gupta-leaks.com/

MultiChoice executive had sent policy documents setting out proposals for Zuma to transfer broadcasting powers back to Muthambi, who proceeded to forward them to a Gupta executive, who shared them with Tony Gupta and Duduzane Zuma, the president's son, MultiChoice admitted they had penned the documents but were not aware that Muthambi had been passing them on (News24, 2017).

On its conduct regarding encryption for the government-subsidised set-top boxes, the company said it was simply lobbying, as opposed to using "unacceptable and illegal activities such as the bribery of an official" (Gedye, 2017). Even though the face of the lobbying was CEO Imtiaz Patel, former Communications Minister Yunus Carrim told *Mail & Guardian* that Patel was merely Bekker's "aggressive enforcer", and that on the first day of the mediation process he had facilitated in 2013, "when the SABC and MultiChoice said that they did not believe the mediation process should continue, Patel constantly left the room to speak on his phone. … Bekker was certainly present, even when he wasn't around"[41] (Gedye, 2017).

MultiChoice denied that it had influenced the SABC to make a U-turn on its encryption policy, going as far as to say they were unaware of SABC's "internal approval process" (Businesstech, 2013b). And yet, Phumzile van Damme, then a DA MP, stumbled upon minutes from a meeting between the SABC and MultiChoice executives in June 2013. Representing the SABC were board chairperson Ellen Tshabalala, CEO Lulama Mokhobo, COO Hlaudi Motsoeneng and head of news, Jimi Matthews. Patel is recorded saying to Mokhobo:

> But I must say though, Lulama, that [non-encryption of STBs] is very important point for us. It's a dealbreaker point, I'll be honest. And I have reiterated it. I have said this to you before."
>
> Motsoeneng responded:

[41] Carrim told the Zondo Commission that since MultiChoice got a huge head-start thanks to the apartheid regime, it should have been understanding of the need for a democratic government to want to open opportunities for African and other black entrants in the Pay-Tv sector (Yunus Carrim interview, 2023).

> Thank you, Chair. As far as I'm concerned, this is not an issue, anymore from where I'm sitting, because the minister (Dina Pule) pronounced herself about this matter. (Moerdyk, 2017).[42]

In March 2017 Muthambi was replaced by Ayanda Dlodlo who reverted to the "ANC policy" of encryption (Mzekandaba, 2019a). Six months later, Dlodlo was replaced by Mmamoloko Kubayi-Ngubane whose first utterances about the digital migration process were that the "current" policy position "speaks to nonencryption" (Phakathi, 2018). She was replaced by Nomvula Mokonyane barely four months later, as the country got a new president in February 2018. Cyril Ramaphosa had narrowly defeated Zuma's preferred candidate as his successor, his ex-wife, Nkosazana Dlamini-Zuma at the ANC's elective conference in December 2017 when the delegates elected him president by a narrow margin, 51,9%. In an echo of 2008 after he was elected at Polokwane, his own party put pressure on Zuma to vacate the Union Buildings in early 2018. After the Public Protector's report on State Capture (Madonsela, 2016) and media reports on the #GuptaLeaks (amaBhungane et al, 2017) many in the ANC were embarrassed by the extent to which their president had handed over power to the Gupta brothers. In February, after a national executive committee meeting, the ANC announced its decision to recall Zuma on a Tuesday and that should he not resign by the end of the next day, the party's Parliamentary Caucus would table a motion of no-confidence on the Thursday, after which Ramaphosa would be sworn in as president (BBC, 2018a). Zuma resigned in a televised statement on Wednesday, 14 February 2018.

With all this back and forth, SABC was the loser, says Markovitz. On the digital migration and set-top boxes, SABC should have done exactly what Multichoice does: it has its own boxes (decoders), installs own boxes, markets and sells own boxes, and procures own boxes. They have a customer control centre where users can phone in should anything go wrong with the boxes. For the SABC, the government decided to do the procurement and the SABC lost control of a critical element of digital migration. "Questions have to be asked in whose interest was it for SABC not to procure its own boxes? Think about it.

[42] In November 2018, the Competition Commission found that the July 2013 agreement between SABC and Multichoice had enabled MultiChoice to "influence the strategic direction" of the SABC (Fin24, 2018). It slated the SABC's undertaking to MultiChoice that it would not encrypt its free-to-air channels, for preventing new players entering the market, and thereby protecting MultiChoice's monopoly in the pay-TV market.

It's quite obvious" (Markovitz interview, 2023). When eventually 800,000 set-top boxes were procured, they sat in the Post Office for about four years waiting to be installed, because there was "bungling around appointing installers" and this was another process the SABC was not in control of (Markovitz interview, 2023).

The government had also promised that the digital migration would kickstart industrialisation where a black empowerment strategy would bring on board black manufacturers to make all those boxes (Businesstech, 2013a). "None of that really worked out. I do not believe that the government has shown the duty of care to the SABC that it deserves" (Markovitz interview, 2023). Icasa does not come off well in these discussions. Often, the issue is that it does not have the relevant competencies. The digital migration conundrum seemed to have been beyond Icasa's capabilities.

> It's a technical process, it doesn't have to be a political process. You look at the technical issues and you give a technical ruling. You're dealing with the private sector that has significant skills and money to fight court battles. One of the drawbacks of Icasa is that when something was highly contentious, it just couldn't make a decision.
>
> So, the digital dividend that the President has been talking about for the last for years [is lost because] you can't get a decision from Icasa. And economic development is virtually held to ransom then because there's no decision. The ball is just kicked around, and you're getting every report and you're doing studies upon studies. But other countries have made decisive rulings and earned their benefits. (Ismail Vadi interview, 2023).

The history of the SABC in the period of this study has been that of not acting in its best interests, and in not standing up to competitors such as MultiChoice. For this Markovitz blames the boards, Icasa and the government, that he says has never been tough as it needed to be on MultiChoice, and neither was the regulator.

> Whenever [Icasa] got the chance to be tough on MultiChoice, it bolted. Where was the SABC Board in 2008 in protecting the interests of the public that they did not take those Must-Carry Regulations[43] to court?

[43] The Must-Carry Regulations by Icasa had given subscription broadcasters such as MultiChoice the right to carry SABC channels "at no cost", in support of universal access, since 2008.

> They would have won. It was obvious that it was wrong. (Markovitz interview, 2023)

It took Markovitz's board, with Bongumusa Makhathini as chairperson (2017 – 2022) to get Icasa to amend the regulations. When they came in, "We just took a look at this, and we said this is ridiculous. We're giving our channels for free to the strongest media entertainment company on the African continent" (Markovitz interview, 2023)! Even though some people complain about SABC programming, the SABC channels are some of the most watched channels on DStv because a lot of people use MultiChoice to get a better-quality signal, Markovitz says. The problem has been the board, the regulator and the government not being in the SABC's corner, as seen by the number and frequency of changes of the personnel running the communications ministry.

PART TWO: A political analysis of the ANC of Jacob Zuma

This section offers an analysis of the events and issues raised in Part 1 by discussing them in terms of some of the theories discussed in Chapter 2. Four key 'events' were discussed, namely, (1) the 2007 Polokwane elective conference as the seedbed for the rise of Zuma; (2) Zuma's usurpation of the ANC; (3) the capture of the SABC; (4) state capture and digital migration. All these 'events', I argue, can be made sense of, first, in terms of Mamdani's (1996a) understanding of colonial rule which divided the members of the colonial polity into 'citizens and subjects'. Second, Lodge's (2014) understanding of neopatrimonialism develops this understanding, showing its depth even in a 'democratic' system, thereby enhancing the reign of Zuma as a demagogue who facilitated 'state capture' that had a disastrous impact on the SABC and media related policies. This section discusses how the ANC was transformed during the Zuma presidency using the theoretical understandings noted above.

1. Rational-legal authority at odds with traditional authority

The two forms of authority of the "bifurcated" colonial state (Mamdani 1996b: 4) has resonance in South Africa. Apartheid may have been "colonialism of a special type" (Frassinelli, 2018: 4, cited in Rodny-Gumede, 2020: 615; See also Murray et al, 2000: 382), but it was colonialism nonetheless and the Apartheid state displayed the characteristics of a bifurcated colonial state:

> The classification and segregation of human beings based on race, cultural domination, the merciless exploitation of black workers and natural resources for the benefit of a white minority, and the denial to the majority of owning land or accessing quality education. (Frassinelli, 2018: 4, cited in Rodny-Gumede, 2020: 615)

Remnants of the bifurcated state are evident in the urban and rural divide, educated vs uneducated or undereducated, democratic, civil rights for citizens vs subjects of customary law under traditional leadership. The Constitution, the most rational-legal document, accommodates both forms of authority: "The institution, status and role of traditional leadership, according to customary law, are recognised, subject to the Constitution" (SA Constitution, Paragraph 211 (1)).

From Part 1 of this chapter, we learnt that the ANC as an organisation, and as represented by the person of Zuma straddled the rational-legal and traditional authority divide somewhat uncomfortably. As noted above, the ANC was formed by elites with networks forged through family, kinship, religion, and education, and even after it became a mass organisation, its leadership continued to be drawn from the lineage of those founding elites (Lodge, 2014: 6, 8). In other words, it was born of the sections of the indigenous population that was accommodated in the legal-rational sphere according to Mamdani's citizen and subject theory. The significance of Polokwane 2007 is that a 'new' ANC was born, one that did not sit comfortably in the rational-legal world established over the decades of its development, but one that reverted to the practices of 'traditional' leaders. In the way he carried himself, and allowed himself to be represented, Zuma represented the rural, traditional leadership, seemingly in conflict with civil rights for all citizens associated with his predecessors and the urban sphere.

The public ethnic mobilisation, in characterising Zuma as "100% Zulu Boy" in slogans and t-shirts emblazoned with ANC insignia, was a break with the party's imaginary as a broad multiracial 'church', that had the entire nation's interests, which fits in with a rational-legal outlook. The removal of Ebrahim Rasool as premier of Western Cape because his government was prioritising the coloured and Muslim population (Jika, 2011) exposed the lie of this image of the ANC, from both sides. The lie was also evident in the steady decline in the number of non-African members elected to the

organisation's most powerful structure, the national executive committee (NEC) (https://www.anc1912.org.za/nec/). This tribalism has also spilled over into government employment practices, contrary to equality for all and non-discrimination enshrined in the Constitution, the country's main rational-legal document (See Ismail Vadi in Part 1).

As president and government official Zuma lives in the legal-rational sphere and has to uphold the principles of the Constitution and embody its values, including the independence of the judiciary enshrined in Chapter 8 of the Constitution. And yet, Part 1 shows that the ANC was openly antagonistic towards the judiciary, labelling Constitutional Court judges counter-revolutionary when they resisted efforts to pervert justice and elevate Zuma above the law. Judges that did not toe the line were punished, as was Moseneke when he was snubbed for the position of Chief Justice by President Zuma in 2011. With this act, and his defence of it in the *The Star,* he not only exposed his anti-intellectualism that is at odds with the rational-legal sphere, but the weakness of the country's system of the appointment of judges (SA Constitution, Section 178 (1) h, i, j), in which the presiding officer of the highest court in the land can be decided by the whims of an individual facing court cases that have to be adjudicated by that very court.

2. The ANC and Neopatrimonialism

The other theme emerging from Part 1 is neopatrimonialism in the ANC, which Lodge says has been transformed

> from a rule-regulated, mass-based party into an organisation in which internal dynamics are mostly shaped by personal interests. Increasingly within the ANC, leadership behaviour appears to be characterised by neo-patrimonial predispositions and, while formal distinctions between private and public concerns are widely recognised, officials nevertheless use their public powers for private purposes. (2014: 1)

Neopatrimonialism is a hybrid form of governance encompassing patrimonial domination and legal-rational bureaucratic domination, where relationships are transactional and elites advance their interests of capital accumulation and maintaining power (De Sousa & Cuadrado, 2023: 318). Here, I use the three dimensions of neopatrimonialism – presidentialism or centralisation of the state, clientelism or

patronage, and corruption – to explain how neopatrimonialism manifested in the ANC in 2008 to 2018.

(a) Presidentialism

Citing Neustadt (1960) in *Presidential Power*, Butler notes that the potential potency of presidential authority is governed by the conduct and character of the incumbent (2013: 9). Presidentialism involves systemic consolidation of political authority in a single individual, who resists delegation of all but the most inconsequential decision-making responsibilities. As a result, power becomes concentrated in the hands of one individual or oligarchies that dominate a regime. Bratton and Van de Walle (1997) argue that indicators of presidentialism include prolonged presidential terms and brief tenures of key government officials, aimed at thwarting the formation of power bases by potential adversaries (cited in De Sousa & Cuadrado, 2023: 319). While one finds elements of de facto presidentialism in South Africa, the country does not, strictly speaking, have a presidential system. Its system is largely parliamentary, with the president originating in, chosen by and dependent on the confidence of parliament. On the other hand, the roles of head of state and government are fused in the president, as in presidential systems. Presidential terms are limited to 10 years in South Africa and both Mbeki and Zuma were removed after nine years, so the first indicator may not be applicable. But the second one, limiting the terms of key officials, certainly prevailed during Zuma's term. His administration was notorious for constant, and often late at night, cabinet reshuffles that did not seem to have a rational basis.

The ANC narrative is that cabinet members are deployed by the party, and the president consults the party and perhaps tripartite alliance partners before making appointments (Mbeki, 2016). Yet reports were that Zuma's appointments were at best his sole prerogative (Nhlabathi, 2017) or at worst, he had ceded control to other forces such as when he fired the finance minister in 2015 replacing him with an unknown parliamentary backbencher (Van Onselen, 2017). The Communications Ministry, responsible for the SABC, had seven ministers over the nine years Zuma was in power. See Appendix 1. This was in contrast to the early democratic period when the portfolio was treated seriously and assigned to senior party leaders. During Zuma's time there was not just a high turnover but a juniorisation of the portfolio which belies its highly

strategic role. With every new minister came a change of advisers, often of policy (Markovitz interview, 2023).

A problem with presidentialism is that it tends to foster patronage and clientage networks, especially in a country like South Africa, where materialism and the intense pursuit of resources through positions of authority and influence have emerged as dominant factors within the ANC (Fikeni, 2009: 6). Another indicator of presidentialism has to do with "compliance with the high courts and, especially, compliance with the judiciary (excluding the high courts)" (De Sousa & Cuadrado, 2023: 326). This became an issue for Zuma after the period of this study, during the presidency of Ramaphosa.

(b) Clientelism

Clientelism was rife during Zuma's term in office. Clientelism is the "exchange or brokerage of specific services and resources for political support, often in the form of votes" (Erdmann and Engel, 2007: 106, cited in De Sousa & Coudrado, 2023: 318). They add that this behaviour contravenes universal principles and can impact public goods such as public sector positions, licences, contracts, or projects. Clientelism also denotes a social arrangement where patrons regulate access to social resources, which they provide to clients in return for deference and other forms of support. It represents a specific type of social structure where personal connections carry more weight than formal rules, or in more recent iterations, connections facilitated by political parties, the Church, and other institutions (Hallin and Mancini, 2004: 58).

In the run up to Polokwane 2007 clientelism was displayed by the group of people surrounding Zuma and running his election campaign. They were merely looking to the future when they would reap the benefits of their support for him as he battled to come in from the cold of being fired from government, and to avoid jail for the crimes he was accused of. The group correctly calculated that ethical or legal considerations would not concern him (Southall, 2011: 617). Personalised connections, particularly connections to political parties are elevated in clientelism because of the prominence of the state and political parties carrying out some of the functions that would have been performed by a patron in a previous era. Particularly in Africa, this practice of distributing resources in return for political support is widespread (De Sousa & Coudrado, 2023: 326)

"Clientelism is...simple: a vote for a benefit" (Piattoni, 2001: 202 cited in Hallin & Mancini, 2004: 59).

The slate system introduced at Polokwane was a platform for clientelism, because being on the victorious slate or being known[44] as a supporter of that slate helped one to secure government employment, tenders or even a Cabinet post. The tender system has created conditions for oligarchical accumulation and incentivises companies to appoint politically connected individuals to benefit from government procurement. This has been flagged as the reason for the rising fortunes of the Zuma clan during his presidency (Lodge, 2014: 20). In Part 1 we saw how the government took it upon itself to procure the set-top boxes meant to be used by indigent families, and these ended up in warehouses while the government flip-flopped on its digital migration policy (Markovitz interview, 2023). The process was marred by bribery and corruption allegations (Mzekandaba, 2019b) and by the time the government decided to stop directly procuring, warehousing, transporting, and installing set-top boxes, four years had passed and R10 billion had been spent on set-top boxes that were reported to be using obsolete technology (Mokone, 2018). This emphasises that the government had no business procuring set-top boxes and the taxpayer would have been better off with an SABC being in control of this process (Markovitz interview, 2023). In clientelist systems, dedication to specific interests is more pronounced, and the idea of the "common good" is less emphasised as opposed to systems of rational-legal authority whose political culture prioritises the concept of the "common good" or "public interest" (Hallin & Mancini, 2004: 58).

Other instances of clientelism included the TNA Breakfasts, the encryption policy saga involving MultiChoice, Minister Faith Muthambi and the Gupta brothers.

The size of a country's cabinet, state administration, or the number of state-owned enterprises could also serve as indicators of clientelism (Hallin & Mancini, 2004: 138; De Sousa & Coudrado, 2023: 318). Mandela and Mbeki both had a cabinet of 50 (28 of them ministers). Zuma's cabinet size shot up to 73 (with 35 ministers) and Ramaphosa has maintained that inflated number (Van der Walt, D. (2018, May 20).

[44] This is where the t-shirts come in, they advertise your loyalties.

(c) Corruption and Rents

Corruption is "the private use of state resources" (Sigman & Lindberg, 2017: 6) or "the abuse of entrusted power for private gain" (De Sousa & Coudrado, 2023: 319). Inadequate institutional frameworks provide fertile ground for corruption, turning it into a "high-profit, low-risk activity" (De Sousa & Coudrado, 2023: 320). Violent conflict, political lobbying, bribery and advertising may be part of rent-seeking. The state budget can provide another opportunity for corruption, and this is indicated by state consumption levels that exceed state investment, special funds at discretion of president, and opaque procurement processes. Zuma was charged with corruption related to procurement involving defence and aerospace company even before he became president of the country in 2009. For the duration of his term and beyond, he did everything he could to avoid having his day in court, and at the time of writing[45], his Arms Deal corruption case is still not resolved (Hawker, 2023). One of the most notable corruption scandals of Zuma's tenure was when he got the state to spend R51.5 million on upgrades to his private Nkandla estate (De Wet, 2016).

Disbanding the elite anti-crime investigating unit, the Scorpions, was part of the ANC and Zuma hollowing out the state, which is a "a deliberate strategy of weakening the government's ability to function in order to achieve ends that elites are unable to achieve through democratic channels" (Suryanarayan, 2020).

So, the ANC of Zuma was at odds with the stories the organisation told about itself as "the ANC of Luthuli, of Tambo, of Mandela". Ultimately it was at odds with the democratic values of the Constitution, such as honouring our diversity and social justice that Zuma had sworn to uphold.

Conclusion

This chapter offers a chronology of key events or issues critical to understanding how the Zuma presidency contributed to the transformation of the SABC from a public broadcaster to a party/state broadcaster. It did this by first examining the ANC's elective conference in Polokwane in December 2007 as the seedbed for State Capture and then by considering how President Jacob Zuma usurped the ANC. Third, I

[45] March 2024

considered the ‘capture’ of the SABC, and finally how digital migration policies and legislation were ‘captured’. In the second part, I utilised Mamdani’s theory of ‘citizen and subject’ and Lodge’s thesis on neopatrimonialism in the ANC to analyse the issues thrown up in the first part. It highlighted high levels of clientelism, the concentration of power, and corruption.

CHAPTER 5: THE SOUTH AFRICAN BROADCASTING CORPORATION 2008 – 2018

Introduction

Based on understandings of the media-state relationship discussed in Chapter 2, and forms of power in a bifurcated state, the previous chapter focused on how the internal workings of the ANC during the Zuma presidency shaped SABC policies and practices. This chapter focuses on the SABC, probing how its changes were shaped by the political environment of the Zuma years. It examines what mandates were given to key SABC key figures, and by whom, and explores the role played by the appointment of the SABC Board and Executives in contributing to the instability of the SABC.

The Chapter proceeds in two parts. Part 1 examines the changes and their significance at the SABC during the Zuma presidency. It identifies key themes that emerged during this period including, (a) the role of Parliament in the selection and performance of the directors of the SABC Board, focusing on the role of the ANC in the nomination of the 12 non-executive directors; (b) the interactions between the Minister of Communications – as the representative of the sole shareholder – and the SABC Board, and how such interactions promoted the independence of the board; (c) corporate governance in the board and how it safeguarded the editorial independence of the SABC. These are analysed through the lens of the Broadcasting Act of 1999 and its amendments in 2002 and 2009. In Part 2, using the framework provided by Hallin and Mancini (2004) to gauge the relationship between a state and its media, that Hadland (2007) applied to South Africa, I then analyse the relationship between the ANC government and the SABC and its impact on the broadcaster's public service mandate.

PART ONE:

Independence of the SABC Board

An Act of Parliament established the SABC in 1936 as a public service broadcaster under a charter authored by Sir John Reith, the first director-general of the British Broadcasting Corporation (BBC) (Teer-Tomaselli, 2008). Reith's vision was for the state to be at the centre of public service broadcasting to develop and regulate it "in the interests of the nation", but the National Party (NP) used the corporation as a propaganda tool for its apartheid policy (Teer-Tomaselli 1996: 75). Following the unbanning of liberation organisations such as the African National Congress (ANC) and

the Pan Africanist Congress (PAC), and the release of political prisoners in 1990, a civil society coalition, the Campaign for Independent Broadcasting, negotiated with the NP government for a more inclusive and progressive broadcasting policy, which included an independently appointed SABC Board (Powell, 1993: 21). A panel of judges publicly interviewed 86 candidates and made recommendations for the Board, subsequently appointed by then-President FW de Klerk (SABC, 2018). The aim was to transform the state broadcaster into a truly public broadcaster. The target was the first democratic elections in 1994, which anti-apartheid activists were keen should be reported on by the SABC freely and fairly. The SABC was unshackled from its apartheid puppet masters, and its control was transferred to an independent Board to depoliticise broadcasting.

This Board, the first that was representative of the people of South Africa, brought journalism professionals into the SABC to inject a sense of independence into the broadcaster. The ANC won those elections, and the national Constitution of 1996 provided for the independent regulation of broadcasting. This included the Independent Communications Authority of South Africa (Icasa) Act, 2000 No. 13 of 2000, whose object was to establish an independent authority to "regulate broadcasting in the public interest and to ensure fairness and a diversity of views broadly representing South African society, as required by section 192 of the Constitution" (Chapter 1), and the Broadcasting Act No. 4 of 1999, which established a new broadcasting policy for South Africa.

These three mechanisms, the Constitution, the Broadcasting Act (as amended) and an independent regulator, Icasa, secure the SABC's public service mandate. The SABC also has editorial policies that are anchored in these instruments. In 2008, the editorial policies had been in place since 2004, and drawn from the Charter as laid out in Chapter IV of the Broadcasting Act. This ensures that the SABC "enjoys freedom of expression and journalistic, creative and programming independence" (SABC, 2004: 2) that the SABC Board is mandated to protect. The SABC's editorial code avers the following commitment:

- We do not allow advertising, commercial, political, or personal considerations to influence our editorial decisions. The SABC is expected to provide information and as part of this duty should evaluate, analyse, and critically appraise government policies and programmes. The SABC is

not the mouthpiece of the government of the day, nor should it broadcast its opinion of government policies, unless they relate directly to broadcasting matters;

- We are free from obligation to any interest group and committed to the public's right to know. (SABC, 2004: 4)

The Broadcasting Act is clear on the separation of powers and functions of the Legislature, the Executive and the corporation's Board. One of the objectives of the Act is to "provide a clear allocation of roles and assignment of tasks between formulation, regulation and service provision as well as articulation of long-term and intermediate-term goals" (Section 2(j)). This had been abused over the years, until Justice KE Matojane's historic judgement in October 2017, which struck off several clauses of the Amended Memorandum of Incorporation of SABC and SABC Board Charter (Gqirhana, 2015) for being inconsistent with the Broadcasting Act, and reaffirmed the Act as the overarching document that regulated the SABC's practice.

The first executive attempts at usurping the board's role took place in 2003 and 2005 when the SABC's articles of association were concluded between the Board and the Minister of Communications, giving the latter, as representative of the sole shareholder, control over the board's proceedings, and final approval of the corporation's strategic objectives and plans (Duncan, 2008). The government also stripped the Board of its final decision-making powers to appoint the three executive directors – the CEO, COO and CFO. Since the CEO was also designated as the editor-in-chief, by usurping the board's right to appoint these executives, the minister effectively took control of the SABC news and current affairs in gross violation of the Broadcasting Act's provisions for the corporation's editorial independence and for the Board to control its own affairs (Duncan, 2013). To some observers, it was possible "to draw a straight line between the government and the corporation's content" (Duncan, 2005: 40). This made it easier for the SABC to censor content that might present the government in a poor light. In December 2013 then-President Jacob Zuma was constantly booed at the memorial service for Mandela, but this was censored by SABC (Herbst, 2014). On another occasion, the broadcast of violent protests during the lead to the 2016 local government elections were banned, because they were seen as a threat to the ANC's hold on power (Bird, 2016; Nicolaides, 2016).

In 2017, Justice Matojane restored the supremacy of the Broadcasting Act.

> …the executive members of the Board are to be appointed solely by the non-executive members of the board and without any requirement of approval by the Minister.
>
> Before appointing any person to the position of executive director on a permanent basis, the non-executive members of the board shall follow a process which ensures transparency and openness, including publicly advertising the position in, among other things, the Government Gazette, and conducting interviews of suitable candidates, taking into account objects and principles of the Broadcasting Act. (SOS Support Public Broadcasting Coalition v SABC, 2017: Paragraph 146)

Crucially, the judgement also meant the Board was solely responsible for instituting disciplinary action and firing the executives.

The issues of governance are detailed in Part 5 of the Broadcasting Act:

> The twelve non-executive members of the Board must be appointed by the President on the advice of the National Assembly (Section 13: (1))
>
> The members of the Board must, when viewed collectively be: persons who are suited to serve on the Board by virtue of their qualifications, expertise and experience in the fields of broadcasting policy and technology, broadcasting regulation, media law, frequency planning, business practice and finance, marketing, journalism, entertainment and education, social and labour issues. (Section 13: (4))

The process of appointing the board, and its composition, was one of the contentious issues in the period 2008 and 2018. So was the axing of board members, perhaps because Section 15 vaguely directs that:

> The appointing body may remove a member from the office on account of misconduct or inability to perform his or her duties efficiently after due inquiry and upon recommendation by the Board.

The Act did not anticipate an eventuality when the entire board may need to be removed, and Parliament took extreme measures to achieve this in 2009 and 2013 as

discussed later in this chapter. Another sticking point related to the designations of the executive members of the board – Group Chief Executive Officer, the Chief Operations Officer and the Chief Financial Officer or their equivalents – and that "The executive committee is accountable to the Board". But the Act is silent on how they must be appointed (Section 14). This oversight created conditions for the usurpation of the Board's powers mentioned above.

Parliament: the recruitment and powers of the Board

On paper, the Broadcasting Act safeguards the independence of the SABC Board by assigning the appointment of the 12 non-executive members to a public parliamentary committee process (Section 13). But in practice, at least in the period under study, a case can be made that the ANC used its majority in the Portfolio Committee on Communications to muscle out nominees by the opposition parties leading to accusations that the ruling party manipulates the selection of the board to further manipulate the SABC management and undermine its independence (Vos, 2008). This is a far cry from the first democratic board of 1993, in which Duncan (2008) commented that "a creative tension was 'staged' through the choice of board members with dissimilar views. Such a tension is a crucial guarantor of the board's independence, as no one stream of thought can dominate" (Duncan, 2008). This manipulation of the selection of the board has led to the instability of the board, evident in the constant replacement of members. Between 2008 and 2018, there were no fewer than seven complete changes of the board membership (SABC Annual Reports, 2008–2018), often for reasons that had very little to do with delivering the SABC public service mandate, and more to do with political intrigue and factionalism in the ruling party (Bratt, 2017).

Take the board chaired by Kanyi Mkonza, that had been appointed effective from January 1, 2008. It was dissolved in June 2009 following a steady stream of resignations culminating in the resignation of five members during two days of a parliamentary enquiry on June 23 and 24 (Parliamentary Monitoring Group, 2009). The only member left – Alison Gillwald – told the inquiry: "There is nothing to resign from. The board can't function. What do I achieve by resigning" (Muller, 2009)? On top of the SABC's dire financial straits, the Committee's findings included that:

- There is a lack of common purpose among members of the Board and the Executive Management impairing their ability to carry out their statutory fiduciary duties.
- The tensions between some members of the Executive Management and some Board members had contributed to a virtual breakdown in their relationships to the overall detriment of the SABC.
- There is confusion about the actual status of Board membership due to the resignations not being properly addressed by Members to the appointing authority in terms of section 15(2) of the Act.
- While the Board might still technically be able to constitute a quorum, it was in effect dysfunctional.
- The Board does not enjoy a sound relationship with the Shareholder that is necessary for timeous reporting and proper accountability. (Parliamentary Monitoring Group, 2009)

After a brief term by an interim board, a permanent board was appointed at the beginning of 2010, chaired by Ben Ngubane, former Minister of Arts, Culture, Science and Technology, expected to "bring the necessary expertise and depth of experience required in a weighty position of this nature" (South African Government, 2009). However, within seven months, the resignations started, and the public was in the dark about the forces at play. It took the January 2013 request of the 'Save our SABC: Reclaiming our Public Broadcaster' (SOS Coalition) using the Public Access to Information Act (Paia), to bring to light the unedifying conditions leading to the high turnover of board members. See Appendix 6 – Board Resignation Letters. The two most cited reasons related to *corporate governance failures* and *inappropriate ministerial interference* (Nevill, 2013). In her resignation dated 1 August 2010, former ambassador Barbara Masekela wrote:

> …the circumstances surrounding the process leading to the announcement and irregular appointment of the GE – News and Current

> Affairs[46]… The chairperson and the CEO had already proceeded in contravention of The Board Resolution and the Memorandum and Articles of Association. Relevant information had been deliberately withheld from the Board… We have lurched on from one crisis to another, relegating corporate governance to the bottom of the pile, thus operating without instituted regulation to govern our own behaviour as a Board… Sadly our own internal debates as a Board have taken precedence over our responsibility to the public audience, the majority of who depend on the SABC as their sole access to information. (SOS Coalition, 2012)

Masekela's resignation was followed a month later by that of deputy chairperson Felleng Sekha who, when appointed, had been expected to bring her significant expertise in both the broadcasting and telecommunications industries (South African Government, 2009). In resigning, she wrote that, "circumstances prevailing in the Board make it impossible for me properly to discharge my fiduciary duties and statutory obligations" and that "there appears to be no reasonable prospect that the problems referred to above will be remedied in the foreseeable future" (SOS Coalition, 2012). In October, former journalist and media activist David Niddrie also resigned, and, unlike Sekha, was not cryptic:

> …in their nine months in office, the current Board of Directors has comprehensively failed to discharge its statutory responsibility to ensure that the SABC meets the broadcasting needs of all South Africans… Primary among these has been a comprehensive and sustained failure of oversight by the organs charged in law with this function, and specifically the executive, that is the Minister of Communications….This has been compounded by a corresponding failure by the Parliamentary Portfolio Committee on Communications (PCC) to exercise full oversight over both

[46] In May the SABC had announced the appointment of Phil Molefe as head of news, only for the board to declare the appointment null and void. In June the SABC again made the announcement of Molefe's appointment, which was again rejected by the board. Molefe's appointment was confirmed in September 2010, triggering another round of resignations by board members (News24, 2010a; News24, 2010b).

> the SABC and the Minister and Department of Communications, both of which fall under its remit. (SOS Coalition, 2012)

Niddrie also noted that the four directors who had recently resigned were "active members" of the ANC and therefore their resignations could not be characterised as "arising from party-political differences or from what the media consistently and inaccurately describes as resistance by the board of attempts by the Minister to establish ANC control over the SABC". Niddrie's logic is not clear. He seems to be suggesting that directors who are ANC members will not resist interference by Cabinet, which would be an admission that the ANC expects directors to be its lapdogs (See Donohue et al, 1995). Lawyer Peter Harris's resignation, in June 2011, seemed to refute Niddrie's narrative as it cited "the intolerable interference from the Ministry in the affairs of the board" (SOS Coalition, 2012). An interesting observation about these letters of resignation is that they were all addressed to different officials as if no one knew the reporting lines. Masekela's was addressed to the chairperson of the board; Sekha's to the Minister of Communications; Niddrie's to the President; while Harris's was addressed to all three. Vacancies were filled and the Ngubane board hobbled on amid public spats among directors (Ferreira, 2012) and finally collapsed in March 2013 when Ngubane himself resigned, along with the deputy chairperson, followed a week later by the remaining six directors. Board members accused Ngubane of making unilateral decisions such as appointing Hlaudi Motsoeneng as acting COO, thereby causing board conflict (Duncan, 2013).

In the next section I track the fortunes of Motsoeneng to illustrate how the complicity between various executives, board members, and politicians, and the tensions between them shaped the nature of the SABC and its transformation into a party broadcaster.

When the nominations for a replacement board were announced, the curtain was lifted on how the ANC filled the board with party loyalists. *Sunday Times* traced the nominators of some people on a list of 12 submitted to ANC MPs, to party headquarters, Luthuli House:

> Nomvuyo Mhlakaza, wife of ANC MP Buti Manamela and a member of the national task team of the ANC Youth League, was nominated by Luthuli House… Keith Khoza, ANC head of communications… nominated Krish

> Naidoo, a legal adviser to the ANC's national disciplinary committee…Rerani Netshilema, a 24-year-old intern in the communications division, nominated Bongani Khumalo, CEO of Gidani, which runs the National Lottery. Another intern, David Shabangu, nominated businesswoman Ellen Tshabalala. Noluthando Gosa, also a businesswoman, was nominated by Cikiswa Xoswa, a personal assistant to ANC spokesman Jackson Mthembu. (Mkokeli & Mokone, 2013)

The newspaper reported that cabinet minister Lindiwe Zulu, then also head of the ANC's subcommittee on communications, had compiled the list. She defended the process the ruling party had followed saying the ANC had a "high interest" at the public broadcaster, and "that interest needs to be served by us being able to make sure that in all the strategic areas we have *our own* and we can't be apologetic about it" (Mkokeli & Mokone, 2013; Italics added). Zulu dared critics to check out the CVs of the nominated people, a dare that would come back to haunt the ruling party a year later when board chairperson Ellen Tshabalala was exposed as having neither a BCom nor diploma in labour relations from Unisa as claimed in her CV (Davis, 2014). The same Tshabalala put pressure on economics editor Thandeka Gqubule-Mbeki to fire reporter Francis Herd after an interview with Transnet CEO Brian Molefe, and instructed SABC executives to delete the interview from all the broadcaster's platforms (Herd, 2017; Gqubule-Mbeki interview, 2023). This interference by the Board in editorial affairs is discussed further below. Tshabalala also presided over the board meeting held in the middle of the night on 7 July 2014, when Hlaudi Motsoeneng's appointment as COO was made permanent, in contravention of the Public Protector's findings and recommendations (Madonsela, 2013/14; Makinana, 2014).

These processes are why I contend that the independence of the SABC Board is guaranteed only on paper. In practice, the dominant party in Parliament goes through the motions of interviewing the nominated candidates, but when it comes to voting, they follow the instructions from Luthuli House, the ANC's headquarters. Ismail Vadi, Chairperson of the Parliamentary Portfolio Committee on Communications from June 2007 to October 2010 (Parliamentary Monitoring Group, 2010), noted that the MPs had little say.

> Nominations are public. Anybody can be nominated. You short list them in Parliament and then you do the interviews and then before final selection is made, most people go back to their party caucus. Everybody knows that at the end, each Member of Parliament goes back to his or her caucus or to the party leadership [which has] preferred outcomes. Then you go and implement that. Even for the DA or IFP or anybody…there will be political preferences. (Ismail Vadi interview, 2023)

There is no system of checks and balances in the rules about Board appointments that would prevent this 'perversion' of the process happening. This has ramifications because of the Board's huge role in the governance of the SABC, setting out the parameters and determining the functions of the executives (Broadcasting Act, Section 14 (3)). When there is strife at Luthuli House, this tends to spill over into the SABC as each faction seeks to use the public broadcaster to fight its battles. Such was the case with the Board whose tenure commenced at the beginning of 2008. Confirmed in late December 2007, this new board had been shrouded in controversy as early as October 2007 when the list of names forwarded to then-President Thabo Mbeki had been publicised (FXI, 2007). A group of labour and civil society organisations had penned a letter[47] to Mbeki urging him not to appoint the 12, but to send the list back to the National Assembly for reconsideration. They thought the list was skewed in favour of businesspeople (five) and lawyers (three), whereas there was not a single representative of either the journalism fraternity or labour or civic organisations. This, they argued, went against Section 13 (4) of the Broadcasting Act. The group also objected to the retention of half the previous board, as they considered their first term to have "failed to demonstrate that they are 'persons who are committed to fairness, freedom of expression, the right of the public to be informed, and openness and accountability'" (FXI, 2007).

Mbeki, who could have appointed the new board as early as August, had not appointed the board by the time of the ANC's 2007 Polokwane elective conference. Before

[47] Freedom of Expression Institute Letter to President Thabo Mbeki, 10 October 2007. Signatories of the letter were the Congress of South African Trade Unions (Cosatu), the Freedom of Expression Institute (FXI), Media Workers' Association of South Africa (Mwasa), the National Council of Trade Unions (Nact), uthe South African Chapter of the Media Institute of Southern Africa (Misa-SA), the South African NGO Coalition (Sangoco) and the Treatment Action Campaign (TAC).

forwarding it to Luthuli House for finalisation, the ANC caucus had agreed on a list that excluded lawyer Christine Qunta, the deputy chairperson of the previous board. It had included trade unionist Randall Howard who had impressed during the interviews, and was undecided whether to nominate Frene Ginwala, democratic South Africa's first National Assembly Speaker (Paton, 2008). When Party Headquarters returned the list, on the day Parliament would be voting on the board nominees, it included Qunta and Ginwala, but excluded Howard. Though MPs fumed at the handful of names imposed by "the hidden hand of Mbeki" (Paton, 2008), they accepted the instructions and Parliament confirmed the nominees to be forwarded to Mbeki as president of the country.

Mbeki appointed the board[48] one day after the end of the Polokwane conference when Jacob Zuma trounced him in the battle for the presidency of the organisation. The same ANC that had forwarded the names to President Mbeki had a change of heart when Zuma was the new chief at Luthuli House. They wanted the process of selecting a new board to go back to parliament. The Tripartite Alliance also rejected the Board with then-Cosatu general secretary Zwelinzima Vavi accusing Mbeki of not accepting that he had lost the leadership contest in Polokwane, and the Young Communist League saying the Board was designed to serve "a particular political interest and agenda" (Quintal, 2007). The official opposition, the Democratic Alliance (DA), concurred that the process of selecting the board had been flawed. MP Dene Smuts said, "The subversion of Parliament's powers by the executive and/or Luthuli House has become established ANC practice. What has happened with this board is not new" (Brown, 2008). This squabbling about who constituted the board emphasised its importance in the operations of the SABC.

Four months after the new board had assumed its duties, the SABC was embroiled in controversy when CEO Dali Mpofu suspended the group executive of news and current affairs, Snuki Zikalala on 6 May 2008, on allegations of misconduct. A day later, the SABC Board suspended Mpofu. In response, the ANC parliamentary caucus, which had approved the list of board members, scheduled a debate on a motion of no confidence in

[48] Ginwala's name was not in the final list.

the SABC board for later that month. Mirroring the shift of power in the party post-Polokwane, they joined the chorus demanding that the board be fired.

In papers lodged at the Johannesburg High Court where Mpofu was challenging his suspension, confusion regarding various responsibilities was evident. SABC chairperson Kanyi Mkonza maintained that Mpofu "in clear defiance of the [SABC] board decided without any power or authority to do so, to suspend [news chief] Snuki [Zikalala]" (Grobler, 2008), whereas Mpofu's lawyer argued that his client did have such powers and argued further that the Communications Minister, and not the Board, had the power to suspend the CEO. Furthermore, Mpofu told the court that Essop Pahad, the Minister in Mbeki's office had orchestrated his suspension (Grobler, 2008). Speculation at the time was that Mpofu's suspension of Zikalala had been ordered from Luthuli House by the new, post-Polokwane leadership because he was perceived to be a Mbeki loyalist, and the new Zuma faction wanted its own people in place. On the night of the Zuma camp's clean sweep in Polokwane, a group of ANC Youth League members allegedly stormed the public broadcaster's makeshift studio at the elective conference venue and allegedly taunted and threatened Zikalala (Mkhwanazi & Quintal, 2007). Mpofu himself was alleged to have been in the Mbeki camp prior to the Polokwane conference but had switched allegiance to the Zuma camp after its triumph (Berger, 2008).

Meanwhile, with Mbeki having ignored their motions of no confidence in the SABC board, MPs now embarked on a different path to seek the same end. They tabled a Broadcasting Amendment Bill, which was unusual since MPs typically depend on government departments to introduce draft legislation (Skinner, 2017: 110). The bill proposed to amend Section 15 of the Broadcasting Act and made provisions for Parliament to dismiss SABC board members, dissolve the entire SABC board, and have the president appoint an interim board via the adoption of a resolution. Constitutional law professor Pierre de Vos cautioned that though not unconstitutional, the amendments posed:

> a direct threat to even the semblance of independence currently enjoyed by the SABC and it is more likely than not, that a SABC Board appointed to function under these conditions will lack the independence to withstand any pressure from MPs to take a particular political line in its news broadcasts. (De Vos, 2008).

The Board was dissolved in June 2009 once the Broadcasting Act Amendment Bill was passed. This closed the loophole in the Act. Parliament, as the appointing authority could dissolve an entire board. In this instance it was not because the Board had been in breach of the Act, but to fit a factional agenda in the ANC, and for the newly elected leadership to flex its muscles. But due process was not followed in removing the Board. According to the Amendment Act the board could only be removed "after due enquiry", and Parliament failed to adhere to this procedure. Board members had not been afforded the opportunity to present their case to the inquiry, whose terms of reference had not been specified (Skinner, 2017: 116).

The new bosses at Luthuli House had also finally prevailed when Zikalala was successfully dislodged at the expiry of his contract in April 2009. The ANC denied any involvement, with treasurer general Mathews Phosa saying it was an SABC "management decision" (M&G, 2009). It would take 14 years for the ANC's involvement in Zikalala's axing to be confirmed. In August 2023, responding to the election of Zikalala as the ANC Veterans' League president and his subsequent remarks that the ANC should steer clear of the EFF as a possible coalition partner in the 2024 general election, EFF leader Julius Malema said Zikalala was still smarting from his removal from the SABC at their instigation when they were the newly elected executive of the ANC Youth League. "Snuki Zikalala does not like the EFF[49] and particularly me and Floyd [Shivambu, EFF deputy president] because we removed him as the SABC head of news when Dali Mpofu was the CEO" (Mbolekwa, 2023). Mpofu also left after the new interim board negotiated a R11-million settlement with him in return for withdrawing "all pending legal actions against the corporation" (Tech Central, 2009).

Board: corporate misgovernance

Another key issue in the decade under study related to the flouting of processes in the employment of members of the executive. On several occasions trade unions at the SABC complained that the general staff was prejudiced by the Board's exceptional treatment of Motsoeneng because of his proximity to Zuma (Underhill, 2010).

[49] Malema and Shivambu formed the EFF in 2013 after Malema's expulsion from the ANC in 2012 (The Conversation, 2023).

When Peter Matlare resigned as SABC CEO in 2005, he was asked whether he had been pushed out by the Board. In response, he made the following cryptic observations: "in an organisation such as this, there will always be areas of contention and tension"; that governance had become very important and almost controversial[50]; and that key to managing governance, non-executive directors "must have their nose in the business, not their hand in the business" (Bizcommunity, 2005). In other words, there is a separation of powers between the Board and the Executive, and the Board should not interfere in operational matters. It is a lesson that did not resonate with the Boards in the period under study.

Featuring in most of the governance failures at the SABC was the person of Hlaudi Motsoeneng (DA v SABC, 2016, 2017; Madonsela, 2013/2014), who was not a mere personality in the story of the public broadcaster, but a major *issue*. It was to pander to him and his elevated sense of importance[51] that successive Boards and ministers of communications did not hesitate to subvert the Broadcasting Act, and when making his employment as COO permanent in July 2014, they wilfully contravened the Public Protector's findings that his appointment as acting COO was irregular, that he was not fit for the position, recommending that "a suitably qualified permanent incumbent" be appointed within 90 days (Madonsela, 2013: 23). The Public Protector also called for disciplinary action to be instituted against Motsoeneng for, among other things, irregularly increasing his salary by almost R1 million a year. Instead of doing any of that, the Board embarked on costly litigation, defending the indefensible in Motsoeneng, in no fewer than 15 different cases, costing the cash-strapped public broadcaster R22-million in the process (Herman, 2018).

To understand the hold Motsoeneng had over the Board, it is important to know a bit of his story. He grew up in the eastern Free State town of Phuthaditjhaba, which was the capital of the Bantustan, QwaQwa. The Chief Minister of the Bantustan, Tsiame Kenneth Mopeli, who had been a teacher and announcer on Radio Sotho (today, Lesedi FM), took a liking to young Motsoeneng and took him under his wing (Serrao & Chabalala, 2016). His first job was as a freelancer for the radio station, and he repaid Mopeli's kindness by

[50] Media reports were that Matlare resigned in protest at being bypassed in the appointment of Snuki Zikalala by the Eddie Funde board (2003 – 2007) and his imposition as the head of news (Lang, 2008).
[51] SABC staff called Hlaudi Motsoeneng the "conduit" because of the close relationship he claimed to have with then-President Jacob Zuma (Underhill, 2010).

giving him a lot of coverage. A political activist[52] who knew Motsoeneng when he started out as an SABC stringer told News24 that "People said he was a puppet, a mouthpiece placed there by the-then Prime Minister TK Mopeli. Not a week went by when he didn't broadcast a positive story on him" (Serrao & Chabalala, 2016).

Having moved to Bloemfontein in 1992, and after the dissolution of bantustans in 1994, Motsoeneng transferred his loyalties to ANC politicians in Free State. With two local colleagues[53] they are credited with helping the rise of Ace Magashule to power, first in the provincial ANC, and then as premier of the province. The most important Free State politician Motsoeneng allegedly cozied up to was Ivy Matsepe-Casaburri who became the chairperson of the first independently appointed SABC board in 1993. Apparently Motsoeneng's permanent employment in 1995 during Matsepe-Casaburri's tenure on the SABC board was no coincidence. Having been in exile for 27 years (Sisulu, 1993) the Kroonstad-born politician was not well known in her province, and Motsoeneng helped to build up her profile with his reporting (Sefara, 2008; Herbst, 2014). This close relationship continued when Matsepe-Casaburri became premier of Free State in 1997 and Minister of Communications from 1999 to 2009.

These close relationships between journalists and politicians harked back to the Apartheid period when journalists were akin to civil servants at the service of the Nationalist Party (Barron, 2019). The relationship with a politician that would be most significant in Motsoeneng's life and career at the SABC was with Jacob Zuma. It is supposed to have started around 1994 when the latter was still based in KwaZulu-Natal. This lasted for more than two decades and Motsoeneng would reportedly be invited for weekends to Zuma's Nkandla home where sheep would be slaughtered in his honour (*Sunday Times*, 2016). This eased access to politicians for interviews or for coming to the studios, which counted in his favour, getting him promoted in 2003 to executive news producer for Lesedi FM (Serrao & Chabalala, 2016). But as soon as he was promoted, Motsoeneng started undermining his line manager, the Northern Cape regional editor, by hiring people and giving staff salary increases without the approval

[52] Mahlomola Majake was a member of the ANC for more than 20 years before joining the EFF.

[53] Sebolelo Ditlhakanyane and Sophie Mokoena rose from those humble Free State beginnings to become head of radio news and foreign editor, respectively. "Ace would decide what the story of the day should be. It wasn't just Motsoeneng – one editor I knew had three phones, one for home, one for work, and one just for Ace," a former colleague of the three told News24 (Serrao & Chabalala, 2016).

of his boss. Following three enquiries by the SABC's internal audit department into the problems at the Bloemfontein office, Motsoeneng was fired in 2006 for, among other things, lying about his qualifications.

> A confidential SABC audit report into problems at the SABC in Bloemfontein dated August 17, 2006, paints a picture of a man who is a bully, who has no regard for procedure or rules and a man who is more given to associating with power than with ordinary people. The report said Motsoeneng was appointed executive producer of current affairs at Lesedi FM in June 2003 even though he 'did not meet any of the required criteria' for the post. (Herbst, 2014)

The CCMA endorsed his firing after Motsoeneng appealed it. His name surfaced two years later regarding the squabble between CEO Dali Mpofu and head of news, Snuki Zikalala. Newspaper reports at the time placed the (non)reinstatement of Motsoeneng squarely at the centre of the conflict between the two executives. *City Press* reported that Mpofu, who was under fire from the Board for non-performance, had approached Minister of Communications Ivy Matsepe-Casaburri to shield him from the board. The Board had cited several incidents as proof of Mpofu's inadequacy: delays in budget approvals, decreased earnings, failure to implement board resolutions, lack of readiness for the 2010 World Cup regarding technological aspects, and slow progress in appointing key personnel such as a chief operations officer and chief technology officer. Furthermore, they attributed the loss of broadcast rights for the PSL and International Cricket Council to SuperSport directly to his absence, contending that the cricket deal fell through because the signing deadline elapsed while it awaited his attention on his desk (Sefara, 2008). Matsepe-Casaburri agreed to protect him from the board if he arranged the re-employment of Hlaudi Motsoeneng. According to *City Press*, Mpofu then sought the help of ANC treasurer general, Mathews Phosa, who also insisted on the re-employment of Motsoeneng before he could be involved. But Mpofu failed to convince Zikalala to re-employ Motsoeneng who said the latter had been fired fairly after a disciplinary process. In a memo dated 4 March 2008, the SABC's labour lawyer advised against the reinstatement of Motsoeneng because it would make it difficult to discipline or terminate other employees who committed similar offenses, and staff morale would be negatively impacted by his reinstatement, particularly for those who had testified

against him (Herbst, 2014). This legal advice did not make a difference: Mpofu suspended Zikalala on 6 May for defying his direct instruction to re-employ Motsoeneng and reporting the matter to the Board instead (Sefara, 2008; Zikalala interview, 2023). The board suspended Mpofu hours later and would not reinstate him even after several court orders. A year later Motsoeneng was re-employed at the SABC after the departure of Zikalala in April 2009.

Because of this internal strife for more than a year, the business of the SABC – public service broadcasting – took a back seat while the head of news battled with the CEO, who in turn was battling with the Board, which was battling with Parliament. No one was exercising oversight over anyone, and no one was being held to account. This was reflected in the finances of the corporation when for 2008/2009 it reported a R913-million loss (SABC, 2009).

Within months of Motsoeneng's re-employment, the Communication Workers' Union (CWU) wrote to President Zuma, asking him to intervene after staff complaints that "Motsoeneng had 'run amok' and 'was terrorising employees' in the SABC's Bloemfontein office in Zuma's name" (Underhill, 2010). The 'intervention' that took place, however, was Motsoeneng's promotion to Johannesburg to be executive manager for stakeholder management in CEO Solly Mokoetle's office. The Broadcasting, Electronic Media and Allied Workers' Union (Bemawu) complained that the position had not been advertised, "which flouts our corporate governance rules" (Underhill, 2010) and that Motsoeneng had been hired irregularly as a senior manager even though he had lied that he had matric. Motsoeneng's promotion also coincided with the commencement of the term of a new board, in July 2010, chaired by Ben Ngubane.

In December 2011, Motsoeneng was seconded to the COO's office but in February 2012 the board attempted to confirm him permanently in the position even though there was an October 2008 court interdict in place to stop the board from making the appointment pending a court challenge by Mvuzo Mbebe who had taken the corporation to court to compel it to give him the job as a previous board had recommended him for the position in 2007 and had forwarded his name to then Minister of Communications, Ivy Matsepe-Casaburri (Mbebe v Minister of Communications, 2016)[54]. However, the minister had

[54] "During 2006 and after a selection process described by Mr Mbebe, he emerged as the Applicant preferred by the board of the SABC for appointment as its Chief Operating Officer… The incumbent

written back to the SABC saying she was "uncomfortable" with Mbebe but had since died in 2009 without a resolution of the Mbebe/COO matter (Mofokeng, 2012). All Matsepe-Casaburri had to do was forward Mbebe's name to the Cabinet. The January 28, 2012, advertisement for the position of COO was only placed internally at the SABC, with a three-day deadline, a departure from previous adverts that had been also placed externally. Whereas the previous advert had called on applicants to have an "appropriate academic background, preferably postgraduate qualification", such requirements were missing in the new internal advert which made no mention of qualifications,

Some SABC staff told the *Sunday Independent* it was clear that the new advert was tailormade for Motsoeneng, who had been fired before for falsifying his qualification. "This is fraud. It is illegal. In a year he was promoted three times. What instruction, which we as SABC staff do not know about, does the board have from Luthuli House" (Mofokeng, 2012)? Motsoeneng was eventually appointed permanently as COO in July 2014, during the tenure of Ellen Tshabalala as board chairperson (2013 – 2014) and Faith Muthambi as Minister (2014 – 2017).

Communications ministers and the SABC Board was prepared to go to any lengths including flouting labour laws and to be in contempt of court to accommodate Motsoeneng. Former head of news, Snuki Zikalala, confirmed in an interview that Zuma was behind Motsoeneng's meteoritic rise at the SABC, that when he still worked in the Bloemfontein office, he once called Zikalala to tell him Zuma wanted to see him.

> I was surprised that Hlaudi out of nowhere says he has to take me to JZ at Luthuli House. I said 'no, you can't just travel to Joburg.' Then he said, 'I'll come on my day off'. He came all the way from Free State to take me to JZ.
>
> And so JZ said to me: 'Mfanakithi, ngisebenza naye lo. (IsiZulu for 'My brother, this is my associate'.)' That's what he said. So, I said, 'But what does that have to do with me, ukuthi usebenza naye (that you are

Minister at the time of the SABC board's recommendation failed to place the recommendation before Cabinet…the Minister's function in the appointment of the Chief Operating Officer of the SABC was limited to placing the board's recommendation before Cabinet. The Minister was not empowered to accept or reject the recommendation" (Mbebe v Minister of Communications and Another (31593/2014) [2016] ZAGPJHC 48 (26 February 2016) https://www.saflii.org/za/cases/ZAGPJHC/2016/48.html

> associates)? It has nothing to do with me.' But, yeah, they both wanted me to know about their connection. (Snuki Zikalala interview, 2023)

After Motsoeneng was dismissed, Zikalala received a phone call from an ANC Top 6[55] official saying he had received a complaint from Motsoeneng that he had been fired because of his close relationship with Zuma. Apparently, the whole time Motsoeneng was waiting to be reinstated, he was reporting for duty daily at Luthuli House (Interview B, 2023).

In February 2014, the Public Protector, Thuli Madonsela published a report (Madonsela, 2014) titled: *When Governance and Ethics Fail: A Report on an Investigation into Allegations of Maladministration, Systemic Corporate Governance Deficiencies, Abuse of Power and the Irregular Appointment of Mr Hlaudi Motsoeneng by the SABC*. The investigation had been initiated by a November 2011 complaint by a former executive at the broadcaster:

> …into allegations relating to various corporate governance failures on the part of the South African Broadcasting Corporation (SABC) management and the SABC Board, financial mismanagement at the SABC involving the spiralling of financial expenditure and undue interference by the Minister and Department of Communications. (Madonsela, 2014: 2)

Madonsela found improper conduct and maladministration by the SABC Board and the human resources department. She listed the following:

1. Motsoeneng's appointment as Acting COO was irregular;
2. former board chairperson, Ben Ngubane, had acted irregularly when he instructed that academic qualification requirements be excluded in the advertisement for the position;
3. Motsoeneng's salary progression – three increases within one year – was irregular and violated SABC regulations;

[55] The Top 6 is made up of the president, deputy president, national chairperson, treasurer general, secretary general and deputy secretary general.

4. Motsoeneng had been appointed to several positions at the public broadcaster without having the requisite qualifications and had lied about having a matric certificate, a minimum requirement for employment.
5. Ngubane's board was "dysfunctional" and that successive boards had allowed Motsoeneng "to operate above the law".

She concluded that the SABC was hampered by:

> pathological corporate governance deficiencies…including failure by the SABC Board to provide strategic oversight to the National Broadcaster as provided for in the SABC Board Charter and King III Report. (Madonsela, 2014: 20–21).

Madonsela also found that the Communications Minister Dina Pule (2011 – 2013) had abused her power and violated the Executive Ethics Code when [like Matsepe-Casaburri in 2007] she rejected the Board's recommendation for the appointment of a CFO, and "orchestrated" the unlawful appointment several weeks later of her own candidate who had not even applied for the position (Smith, 2018).

The Public Protector recommended several remedial actions. These included an instruction to the current Minister of Communications to appoint "a suitably qualified permanent incumbent" to the long-vacant position of the COO within 90 days of the publication of the Report; for the SABC Board to recover all irregularly spent monies from the appropriate persons. She also recommended disciplinary actions, first, against Motsoeneng for misrepresenting his qualifications, abuse of power including instigating his own salary increases, unlawful appointments and salary increases and the purging of senior staff (including those who had testified against him in Bloemfontein before his axing), and second, the outgoing CEO for approving salary increments for Motsoeneng.

The SABC did not have a permanent COO by the end of the Public Protector's 90-day deadline. But South Africa had a new Minister of Communications, Faith Muthambi, who had replaced Yunus Carrim, who had only been in the position for 10 months. Within two months, on 9 July 2014, Muthambi approved the permanent appointment of Motsoeneng as the broadcaster's COO. The DA challenged the appointment at the Western Cape High Court based on the Public Protector's Report and won, but the SABC and Muthambi appealed. The Supreme Court of Appeal (SCA) upheld the judgment in

October 2015 and instructed the SABC to follow Madonsela's recommendation. By then, the SABC had spent R5.3 million in legal fees defending Motsoeneng against the DA in the matter (Herman, 2018). In a reply to a DA question in Parliament, the communications minister revealed in March 2018 that this was the highest bill in the total R22 million the SABC had paid since the 2013/2014 financial year defending Motsoeneng in no fewer than 15 cases where he was a respondent (Herman, 2018).

Motsoeneng's tenure was also costly to the SABC's public service mandate. The deal he concluded with rival MultiChoice was one gross example of poor corporate governance. MultiChoice would pay the SABC R553-million over five years to broadcast its 24-hour news channel. TimesLive reported that according to an SABC insider, "The SABC should get R300-million to R400-million a year for this, but Hlaudi gave it away for R100-million a year" (Hofstatter, Wa Afrika & Rampedi, 2015). Meanwhile, Motsoeneng awarded himself a R11.5 million "success fee" for the agreement, which, controversially, gave MultiChoice unfettered access to SABC archives. The loss of archives has been a sore point, particularly for long serving SABC staffers.

> The sharing of our archive with DStv was most painful. Because we all knew it was wrong at every level. You can go on YouTube and see how much of SABC's valuable archive is on YouTube on a Creative Commons licence. That means it's free to use by anybody. You will never see BBC important archive there! Our black and white footage of football games in the 70s is on YouTube!
>
> …DStv wanted all those old fights. Gerrie Coetzee. [Big John] Tate. Our people who knew the value of these would give them the lousy shots. DStv would complain to the top and it would come down like a ton of bricks: "Give DStv the visuals they want! Otherwise, come and see me in my office!" It's so painful the way the SABC's archives were handed over to DStv by Hlaudi. That, for me, was the biggest injustice of all. (Tebogo Alexander interview, 2023)

Motsoeneng was untouchable. The Board did not hide its contempt of the judicial processes. In response to the SCA ruling that the SABC should follow Madonsela's recommendation, the SABC held an internal disciplinary hearing against Motsoeneng on

two charges of gross dishonesty, two of abuse of power and two of misconduct. He was cleared of all charges in December 2015.

Parliamentary oversight: journalists to the rescue

Section 6 of the Broadcasting Act enjoins the Board of the SABC to submit to Icasa policies that ensure compliance with the Authority's code of conduct and the corporation's licence conditions, which include the news editorial policy, local content policy and language policy (Section 6 (5)(a)). The Corporation is required to review these policies every five years, and in so doing is required to notify Icasa in writing "as soon as reasonably possible" (5(b)). Further,

> [t]he Board must ensure that there is public participation in the development of the policies referred to in subsection (5) by inviting and considering public comment on such draft policies and by other means. (Section 6 (6)).

South Africa had seen this at work when the Board, chaired by Vincent Maphai (2000 – 2003), published a draft of editorial policies in 2003 and embarked on an unprecedented consultative process intended to reach all corners of South African society (Hassen, 2004[56], cited in Jjuuko, 2005: 63). The draft document was made available in all 11 official languages, posted on the corporation's website, and physical copies with detailed summaries in six official languages were distributed nationally at SABC offices and post offices. Summaries were published in full-page advertisements in mainstream newspapers, emphasising the invitation for written comments. Programming on radio and television also publicised the policies. As many as 500 people attended each of the public meetings held in all nine provinces, giving individuals an opportunity to engage board and management teams. In all, 920 written submissions were received from 847 individuals and 73 organisations (Hassen, 2004, cited in Jjuuko, 2005: 64), and the policies came into effect in 2004. Five years passed but due to persistent problems with the SABC Board and management, the mandated revisions did not materialise, and a 2013 attempt was found lacking in substantive public participation (Media Monitoring Africa, 2023).

[56] Hassen, F. (2004). Presentation on Final Editorial Policies.

Fast forward to May 2016, when the DA released a statement that it had discovered via a reply to a parliamentary question that Communications Minister Faith Muthambi had secretly approved a new Editorial Policy for the SABC three months previously, even though the public broadcaster had undertaken to publish a draft after it had considered inputs on the 2004 policy. Then-DA MP Phumzile van Damme said the new policy gave COO Hlaudi Motsoeneng "total control of the SABC's content and programming" and editors and journalists were "threatened with severe consequences should they not refer 'contentious' matters to their superiors and Mr Motsoeneng" (Fin24, 2016). This was a perversion of not just editorial independence but the SABC's licence conditions as detailed in the Broadcasting Act.

One of Motsoeneng's first actions in charge of news was to ban the broadcast of visuals of violent protests by the public broadcaster.[57] He insisted that this was "responsible journalism", not censorship (Nicolaides, 2016). This was followed by his axing of the SAfm programme, The Editors, where for 20 years, editors from various media houses would discuss current affairs on a Sunday morning. An SABC spokesperson defended the action with "We change our programming on all our 18 radio stations all the time" (Polity, 2016).

Then, at a workshop the SABC held in advance of the August 2016 local government elections, Motsoeneng told staff that they could question anyone in their election coverage, except for President Jacob Zuma:

> I'm in charge, you must adhere to my instruction. President Zuma is the president of the country. I do not regard him as ANC. You cannot treat him the same. We will give him more time. And you can question everyone except our president. We need to respect him. Especially you, SABC…Look at your editorial policy. We have removed news and replaced with content. If you as SABC mess up the organisation, you mess up your life. I

[57] In the run-up to the August 2016 local government elections, the SABC announced it would no longer show visuals of violent protests to promote nation building. Motsoeneng said the presence of cameras encouraged even peaceful protests to turn violent. The ANC applauded the decision, with spokesperson Zizi Kodwa saying: "It's a responsible decision, it's responsible journalism, and it's not self-censorship. It's a responsible one to an extent that you don't show what is not in the good interest of nation-building" (Nicolaides, 2016).

> am in charge. News is now part of Operations. We change the world. We must have news with content. (News24, 2016)

This was revealed in court papers filed by a group of journalists who became known as the SABC 8[58]. They were challenging their suspension after questioning the new policies, particularly the blackout of violent protests. On 15 July 2016, they filed an urgent application seeking direct access to the Constitutional Court asking that the SABC's recent policies be declared "unconstitutional, unlawful and invalid", and for the disciplinary charges against them to be dropped (News24, 2016). In a supplementary affidavit filed in September, the SABC 8 wanted Parliament to be held in breach of the Constitution for not holding the public broadcaster accountable and the court to direct the legislature to launch an inquiry into the corporation. In an unexpected demonstration of the links between journalists and the ruling party, one of the journalists, Lukhanyo Calata,[59] writes in his autobiography published two years later that he was invited to Luthuli House by ANC deputy secretary general, Jessie Duarte, to brief her on the SABC situation, and he asked for her intervention (Calata, 2018: 31). At first, she was only prepared to assist Calata, Ntuli and Gqubule-Mbeki, since their union was Bemawu, and not Venter, Krige, Pillay and Steenkamp, as they were represented by Solidariteit, an organisation representing Afrikaner interests which, Duarte said, could not be ideologically reconciled to the ANC. Eventually she relented, promising to assist all eight, and when the SABC suddenly had a change of heart about appealing the Labour Court decision to set aside the dismissal of the journalists on 26 July, Calata believed it was Duarte's doing (Calata, 2018: 41).

In September 2016, the Supreme Court of Appeal dismissed Motsoeneng's challenge to a judgment which had ruled that his appointment as COO was irrational, but the SABC promptly reappointed him as general executive for corporate affairs. Three months later, the Western Cape High Court, ruling in favour of the DA, found that Motsoeneng's appointment as the SABC's group executive of corporate affairs was unlawful and irrational. The court went on to rule that he might not hold any position at the public

[58] The journalists were Thandeka Gqubule-Mbeki, Krivani Pillay, Foeta Krige, Busisiwe Ntuli, Jacques Steenkamp, Lukhanyo Calata, Vuyo Mvoko, and Suna Venter.

[59] Lukhanyo Calata is the son of Fort Calata, one of the group of activists from Cradock, Eastern Cape known as the 'Cradock 4' after being abducted and murdered by the apartheid security police in 1985. He was accompanied by his mother, Nomonde Calata, to this meeting with Duarte (Calata, 2018: 31).

broadcaster until he had faced a legitimate disciplinary hearing and/or the Public Protector's findings and remedial action had been reviewed and set aside by another court. Motsoeneng and the SABC applied for leave to appeal, but the application was dismissed in February 2017 (Selfe, 2017).

Meanwhile, the seeming defiance of the courts had amplified criticism of Parliament's Portfolio Committee on Communications' failure to hold the public broadcaster to account, and there were calls for an inquiry into the SABC Board's fitness to hold office (Gallens, 2016). The National Assembly did establish an ad hoc Committee Inquiry into the fitness of the SABC Board to discharge its duties as per the Broadcasting Act, No. 4 of 1999 and other legislation, which commenced its duties in December 2016.

Journalists who testified to the Ad Hoc Committee spoke of Motsoeneng's interference with editorial going back more than three years. Gqubule-Mbeki, who had worked at the SABC during and after the transition period in the 1990s, says when she returned in 2013 a lot had changed, particularly the morale of journalists. Some of them behaved no differently from civil servants, harking back to the Apartheid days: "The idealism about the efficacy of journalism to change society and the world was not there. There was more of 'I'll do the bare minimum. I'm happy to have a job" (Thandeka Gqubule-Mbeki interview, 2023). Parliament heard that Motsoeneng had decreed that SABC news had to be 70 percent positive and 30 percent negative, something editorial staff had found "illogical" (*Cape Times*, 2016). He had also ordered a blackout of visuals of EFF MPs when they chanted "Pay back the money!" to Jacob Zuma[60]. Lukhanyo Calata described this as an "unwanted culture of news censorship" which included instructions, attributed to the ANC, to use sound bites that portrayed Zuma only in a positive light (Calata, 2018: 37). Once he was called back to work at night to rework a package to include footage of Motsoeneng. Krivani Pillay said Motsoeneng had told her: "No journalist is independent. The chief operating officer has final responsibility of news... you cannot have people who question management" (*Cape Times*, 2016).

This was echoed by Thloloe and Tawana in their *Report of Commission of Inquiry into Interference in the Decision-making in the Newsroom of the SABC, 2019* when they wrote that "I don't want to lose my job" cascaded down the public broadcaster as executives

[60] This was in relation to the R51.5 million the state had paid for upgrades to Zuma's Nkandla estate (De Wet, 2016).

enforced Motsoeneng's dictates. Then-acting general manager for TV, Nyana Molete, told them veteran journalist Jimi Matthews, then the acting chief executive, would storm into his office, saying:

> Look, man, you're going to make me lose my job. Why do you keep using these pictures [of EFF MPs]?" I knew that Jimi was under pressure from his boss to stop this stuff. I called Calata and tried to have a discussion with him, but we didn't agree. He was right, the pictures were relevant, and he had to use them.
>
> We have the right journalists to do this job and we have the resources to do what we can do. Then something happens, you put someone with a personality disorder there and then everything goes haywire. He (Motsoeneng) had this kind of all powerful presence and certain things would be done because he wanted them to happen, not because they were in the best interests of the organisation. (Thloloe & Tawana, 2019: 39 – 40)

Gqubule-Mbeki provides a context for this posture by Matthews and Nyana. They had been part of the team that had founded Telkom Media[61] and when that venture collapsed, they were down and out. So, when the SABC took them in, the powers that be made them feel as if they were being done a favour which could be withdrawn any time.

> They had lost their pensions, everything. So, their approach was to appease [Motsoeneng and his principals] the politicians, to tiptoe around the toxic politics in our country, which were a significant constraint to living the true values and principles of public broadcasting in our daily journalistic practice.

These constraints, she says, included the fact that "people in the Executive would breathe down on us, people in the Party would breathe down on us, people in the Legislature thought nothing of leaning on us" (Thandeka Gqubule-Mbeki interview, 2023). Sometimes the pressure came via Board members who would then deliver these

[61] A Telkom consortium created Telkom Media in August 2006 and Icasa awarded it a pay-TV broadcast licence in September 2007. In March 2009, without ever going on air, Telkom announced it was closing down the company. The venture had cost R700 million (Gedye, 2008; Reuters, 2009).

messages downwards, in violation of the Broadcasting Act. Gqubule-Mbeki tells the 2014 story of Brian Molefe who was then CEO of Transnet being offended "by both the way he conducted himself on air, which was very toxic and poor, as well as by the kind of questions that Francis Herd, who reported to me, asked him about the South China rail contract" (Umraw, 2019a; Gqubule-Mbeki interview, 2023). Molefe became belligerent in the newsroom and Gqubule-Mbeki was called back from home to attend to the fracas. Herd told Parliament's 2016 inquiry into the fitness of the SABC board to hold office, that:

> Thandeka was asked to escort Molefe to Ellen Tshabalala, the then chair of the SABC board, who was waiting for them in another building. She demanded that Gqubule fire me and I was told later that [Group Executive for News, Jimi] Matthews had been pressured as well. Molefe had acted with impunity. He walked into the SABC as if he owned the place, knowing he was supported politically. Words were used and arguments were made but I had the distinct impression that the real message was "you're either with us or against us". (Herd, 2017).

Pressure was further put on Gqubule-Mbeki to remove the interview from all the SABC's digital platforms and when she refused, her boss dictated a letter of apology to Tshabalala and got Gqubule-Mbeki's secretary to sign it on her behalf and got another editorial executive to delete the interview from the broadcaster's platforms. When she confronted that colleague, he said there was no point in her getting worked up about it because "I have already done it, Thandeka", and that he had done it to protect Herd (Gqubule-Mbeki interview, 2023).

Eventually, the loss of his job became preferable to Matthews as he resigned from the SABC on 27 June 2016:

> For many months I have compromised the values I hold dear… In the process the prevailing, corrosive atmosphere has impacted negatively on my moral judgement and has made me complicit in many decisions which I am not proud of… What is happening at the SABC is wrong and I can no longer be a part of it. (News24, 2016a; See Appendix 6)

The *Final Report of the Ad Hoc Committee on the SABC Board Inquiry into the fitness of the SABC Board* was presented to Parliament in February 2017. It found that:

> [T]here appears to have been flouting of governance rules, laws, codes and conventions, including disregard for decisions of the courts and the Independent Communications Authority of South Africa (Icasa), as well as the findings of the Public Protector of South Africa (Public Protector). This collective conduct: rendered the SABC potentially financially unsustainable due to mismanagement as a result of non-compliance with existing policies and irregular procurement; interference in as far as editorial independence which is in direct conflict with journalistic ethics; and saw the purging of highly qualified, experienced and skilled senior staff members in violation of recruitment/human resource policies and procedures; purged staff have in many instances been replaced without due consideration for, or compliance with established recruitment policies. (Parliament, 2017: Section 1.5.)

The Inquiry also found parliamentary oversight "inadequate" and to have contributed to the "disintegration of governance and accountability" at the SABC. The Minister of Communications, Faith Muthambi, was criticised for "incompetence" with the Report recommending that "The President should seriously reconsider the desirability of this particular Minister retaining the Communications portfolio" (Parliament, 2017: Section 39.1.2.).

Zuma replaced Muthambi with Ayanda Dlodlo at the end of March 2017, but replaced the latter with Mmamoloko Kubayi seven months later. A new Interim Board appointed in March 2017 instituted disciplinary proceedings against Motsoeneng as per the recommendations of the Public Protector. In June 2017, an internal disciplinary hearing found Motsoeneng guilty of bringing the SABC into disrepute and causing irreparable damage to his employer. He was dismissed (Businesstech, 2017). President Zuma appointed an 11-member board in October 2017 for a five-year term. One director resigned before the year ended and, in March 2018, the deputy chairperson of the board, Febe Potgieter-Gqubule, resigned to take up a position at Luthuli House as ANC elections manager. The year 2018 ended with the SABC struggling to settle its debts,

hoping to secure a R3-billion government guarantee, and with the board on the brink of collapse after the resignation of a further four directors (Phakathi, 2018).

Michael Markovitz, then a board member, believes this was yet another attempt to force the dissolution of the SABC Board. The governing party, facing a national election in 2019, did not want the SABC to go ahead with planned retrenchments. Then-secretary general Ace Magashule had gone public saying the ANC would not allow any retrenchments at the SABC and other state-owned enterprises because those people were ANC deployees. But with the corporation in financial dire straits – a R1.3-billion debt, an annual salary bill of R3.1 billion, and more than R622-million financial losses in the 2017/2018 financial year – the Board did not see an alternative (Mitchley, 2018).

> We stood firm as a board and then all of a sudden you had this spate of resignations which made the board inquorate. There was only four of us left. We couldn't operate, OK. Now people phoned me up. And I won't name names. They said to me: "Markovitz, why won't you resign?" Why must I resign? What have I done wrong? No. (Markovitz interview, 2023)

The strategy to collapse the board did not succeed this time, because the remaining members of the Board were prepared to defend their power and responsibility bestowed on them by the Broadcasting Act, 1999 to "control the affairs of the Corporation" (Section 13 (11)). Fortunately, the Matojane judgment had restored those powers to the Board on the same day that President Zuma appointed the Board, 17 October 2017 (SOS v SABC, 2017; South African Government, 2017).

PART TWO: Analysis

This section uses Hadland's (2007) framework of media-state relations to make sense of the relationship between the SABC and the ruling ANC described above. As noted in Chapter 2, he draws on Hallin and Mancini's study (2004) that explored the relationship between political systems and media systems. They described media systems as "a set of media institutions and practices understood as interacting with and shaping one another. Media systems are embedded within wider social, political, economic, and cultural systems" (Hallin, 2021: 2). They also proposed four dimensions to understand the relationship between the state and the media:

(1) the development of media markets, with particular emphasis on the strong or weak development of a mass circulation press;

(2) political parallelism; that is, the degree and nature of the links between the media and political parties or, more broadly, the extent to which the media system reflects the major political divisions in society;

(3) the development of journalistic professionalism; and

(4) the degree and nature of state intervention in the media system.

(2004: 21)

For this analysis, I will concern myself only with the last three: political parallelism, journalistic professionalisation and state intervention.

Political Parallelism

Hallin & Mancini refer to political parallelism to discuss the political affiliations determining the career paths of some journalists, or the "partisanship of media audiences", where media audiences read newspapers and/or watch different channels in line with their political affiliations (2004: 28). The rise of Hlaudi Motsoeneng from a stringer for Lesedi FM with a bantustan leader as a patron, to COO of the SABC, seemingly giving orders to the Board and the CEO because of proximity to President Zuma, fits in perfectly with this characterisation. To demonstrate that principles were not involved, it was easy for Motsoeneng to transfer his 'affections' from an "apartheid stooge"[62] to the leaders of the liberation movement returning from exile. This also applied to the other side as Ivy Matsepe-Casaburri was happy for Motsoeneng to use the SABC platform to help her relaunch her political career. The loyalties forged between them became more important than labour law and the public broadcaster's human resources policies, as Matsepe-Casaburri pushed for the reinstatement of Motsoeneng after he had been fired for lying about having a matric (Sefara, 2008). This contributed to the instability at the SABC when the corporation had no permanent COO for several years as Matsepe-Casaburri's illegal refusal in 2007 to appoint Mbebe as recommended by the Board lingered in the courts long after her death, even Mbebe's own death in

[62] Anti-apartheid activists called Bantustan leaders apartheid stooges for accepting Apartheid's "separate development" policies (Buthelezi, 2004).

2015. Motsoeneng's tenure at the SABC speaks not only of political parallelism but clientelism and instrumentalisation of the SABC because his appointment was allegedly a result of his allegiance to Zuma and not professional qualifications (Hallin & Mancini, 2004: 58). He used this proximity to power as an instrument to "terrorise" colleagues and subordinates (Gqubule-Mbeki interview, 2023; Thloloe & Tawana, 2019).

As discussed in Chapter 2, Hadland found that South Africa has high levels of political parallelism because of the hegemony of the ANC, close personal relationships between media owners and politicians, domination of politics content in SA media, high turnout for elections, and affiliation (or affinity) rather than issues determining how the electorate votes (Hadland, 2007a: 216). For broadcasting, political parallelism is evident where a government controls the appointment of the board of directors, or Parliament makes the appointment of the directors, giving control to the majority party (Hallin & Mancini, 2004: 30). This is where the hegemony of the ANC comes into play. As established in Part 1, Parliament controls the appointment of directors for the SABC board. So, even though the process is seemingly open and democratic the ANC is able to use its majority to shut out the nominations by opposition parties. Nominees may qualify according to Section 13 (4) of the Broadcasting Act, and do well in the interviews, however, MPs are not empowered to make decisions (solely) on that, they have to follow orders for preferred candidates from their Party Caucuses (Ismail Vadi interview, 2023). In 2007/8 this exposed the SABC Board to the factional battle within the ANC between supporters of Thabo Mbeki and those of Jacob Zuma when it turned out that the list submitted to President Mbeki had been compiled by a Cabinet member in her capacity as head of the ANC's subcommittee for communications (Mkokeli & Mokone, 2013). Evidently for the ruling party the public broadcaster was a mere tool.

Personal relationships between media owners and politicians do not come any closer than Zuma's relationship with the Gupta brothers, owners of *The New Age* (*TNA*) and ANN7. He even told the Zondo Commission these media outlets were his idea. Such closeness earned the Guptas millions from state-owned enterprises via the *TNA* Breakfasts (See Appendix 4) and sweet deals with MultiChoice (News24, 2017; See Chapter 4). Chapter 4 also detailed the closeness of Communications Minister Faith Muthambi to MultiChoice, such that the pay-TV company even drafted policy amendments for her (News24, 2017).

Further evidence of political parallelism was the interference of the Cabinet in Board affairs and when it took over the appointment of the executive team. Since the CEO was also designated as the editor-in-chief, by usurping the board's right to appoint these executives, the minister was in charge of the SABC news and current affairs. Niddrie alluded to this in his resignation letter when he wrote that as "active members" of the ANC their resignations could not be characterised as "arising from party-political differences or from what the media consistently and inaccurately describes as resistance by the board of attempts by the Minister to establish ANC control over the SABC" (SOS Coalition, 2012; See Appendix 5). In other words, ANC-aligned board members were not bothered by the Minister's interference in the editorial affairs of the SABC..

Journalistic Professionalisation

Three variables are linked to journalistic professionalism, according to Hallin & Mancini: autonomy, professional norms, including ethical principles, and public service (2004: 57). Job security is part of autonomy, as is interference in reporting and pressure from seniors. All these variables were under pressure during 2008 to 2018, and particularly during the reign of Motsoeneng. Their job security was contingent on following instructions for censorship from Motsoeneng, about Zuma's State of the Nation address, Zuma being booed at the Mandela memorial and the ban on visuals of EFF chanting "Pay back the Money" and of violent protests. That is why veteran journalists such as Jimi Matthews could be enforcers of censorship. It took the SABC 8 to re-establish all three elements of journalistic professionalism when they stood up to Motsoeneng in 2016 and forced Parliament to exercise its oversight role.

Professionalisation in the SABC is also under threat from instrumentalisation, which refers to external entities such as parties, politicians, social groups, or economic actors who control media to influence politics. Instrumentalisation is, in turn, connected to clientelism in which, for instance, with appointments in public service media, political allegiance trumps strictly professional qualifications (Hallin & Mancini, 2004: 37, 58). I concur with Hadland that whereas for Hallin and Mancini "the development of journalistic professionalisation has historically eroded political parallelism, South Africa's experience is that political parallelism is eroding journalistic professionalism" (Hadland, 2007b: 13).

From this perspective a case can be made that during the Zuma presidency the SABC went back to being, if not a state broadcaster, then a dominant party-loyal broadcaster. There came a time, however, when journalists at the public broadcaster put up resistance to this and represented by the group that came to be known as the SABC 8 in 2016, tried to reassert their independence (Modise, 2017; Krige, 2019).

State Intervention

State intervention in the media system includes control of the telecommunications infrastructure, libel laws, broadcasting laws and laws regulating media ownership. Dividing the Department of Communications into two and including the SABC in what seemed to be a propaganda arm, was an instance of state intervention.

Like many liberation movements, the ANC ascended to power as a representative of the interests of the whole 'nation', as opposed to the interests of the racial minority that the Apartheid government represented. But Southall argues that once in power, nationalist movements have a hard time living up to the claim of representing the whole nation (2012). This difficulty is in evidence in the debate about the 'public' interest and the ANC's claims to be the sole custodian of the 'national' interest (Majova, 2007). In a broadside against the media Jacob Zuma wrote on the ANC website in 2008:

> We are faced with the virtually unique situation that, among the democracies, the overwhelmingly dominant tendency in South African politics, represented by the ANC, has no representation whatsoever in the mass media. We therefore have to contend with the situation that what masquerades as 'public opinion', as reflected in the bulk of our media, is in

> fact minority opinion informed by the historic social and political position occupied by this minority. There are many examples we can cite to illustrate this point. Every day brings fresh instances of a media that, in general terms, is politically and ideologically out of sync with the society in which it exists. (ANC Today, 2008)

Zuma seems to be making two points here: that there is no section of the media that is clearly aligned to the ANC, and that the ANC is not concerned with minorities and their views.

Writing in *Daily Maverick*, Harber (2015) contends that ANC media policy has gone through three phases since the organisation's unbanning and return from exile. At first it was very open and involved transforming the SABC into an independent public broadcaster while supporting and subsidising community media. With private media, "they pushed for transformation, but did not interfere" (Harber, 2015). Then, in response to "a hostile newspaper sector" they were threatened with a Media Tribunal that would replace the self-regulatory regime with a statutory one; and drew up the Protection of State Information Bill. The spectre of a Media Tribunal was a departure from the ANC's longstanding position on media freedom (See Mandela, 1992, 1994; Ramaphosa, 1992). Lastly, says Harber, the ANC started using its power and access to state resources by rewarding friendly media and punishing critical media. It did this with the state's vast advertising budget when millions were spent on the Guptas' *TNA* Breakfasts; when it used its influence with the Industrial Development Corporation and the Public Investment Corporation to help Iqbal Survé and a Chinese consortium to purchase Independent Newspapers; and by:

> a much more direct and aggressive move to seize control of the SABC and bring it into line. This involved intervention in the SABC board and executive appointments, and the promotion and protection of individuals who could be relied on to deliver suitable political content, even if they were manifestly unfit for the job. (Harber, 2015).

Harber's last point harks back to Hallin and Mancini who contend that public service broadcasting is the most significant state intervention because the state is literally the sole shareholder (2004: 41–43). The funding model for the public broadcaster in South

Africa has had a detrimental effect on the SABC, After the corporate misgovernance of the period under study here – 2008 to 2018 – the corporation has survived on bailouts by the state (Markovitz interview, 2023).

Conclusion

In this chapter, I have presented a chronology of events that took place at the SABC between 2008 and 2018, based on archival documents, published articles and interviews with key sources. I identified the themes that emerged – the role of the ruling party in Parliament's selection of the non-executive directors of the SABC Board, the impact of the Minister of Communications on the independence of the Board, the performance of the Board in safeguarding editorial independence at the SABC, and the record of corporate governance at the SABC. I discussed and analysed these themes in line with the Broadcasting Act. The picture that emerged was of serious failures of corporate governance, unlawful and inappropriate ministerial interference, failure by Parliament to exercise oversight over the SABC and a puppet master pulling strings from ANC headquarters. Lastly, I analysed the SABC using the Four Dimensions paradigm by Hallin and Mancini (2004). Political parallelism was identified in the rise of Motsoeneng, the system of the appointment of the SABC Board and the closeness of the owners of The New Age newspaper and ANN7 television channel to the president. Professionalisation of journalists was also under pressure when the corporation's leadership was promoting self-censorship and a journalist obeyed summons to ANC headquarters to account to a party official. Lastly, I showed that the state intervened in media by crafting the Secrecy Bill and using its advertising budget to punish media outlets deemed too critical while rewarding partisan ones.

Hadland ended his thesis in 2007 having placed South Africa closest to the polarised pluralist model though with some features from the liberal model (2007a: 217). This study places the country even closer to the polarised pluralist media system because at the public broadcaster journalistic professionalisation was under siege.

CHAPTER 6: CONCLUSIONS

The aim of this study is to examine the ways in which the ANC's political authority influenced changes in the SABC between 2008 and 2018. It does this by focussing on the Broadcasting Act 4 of 1999, and the Cadre Deployment Policy that the ANC adopted in 1997. The research looks at how these were implemented and how they shaped the SABC's institutional and journalistic practices in the period under review. The research question it seeks to answer is: How have changes in the ANC leadership shaped changes inside the SABC – the Board, CEO, heads of Radio, Television and News—thereby changing the 'nature' of the public broadcaster? The sub-question the study asks is how such key figures are mandated, by whom, and what role they played in the instability at SABC.

To address the question, I used qualitative research methods. I looked at both the ANC and the SABC to understand how the ANC under Zuma (almost) succeeded in transforming the SABC back into a Nationalist Party-styled 'state broadcaster'. In other words, how and why the exciting, progressive, and hopeful conceptions of the progressive role that a public broadcaster could play in South Africa's 'new democracy' in the early years of democracy, had seemingly derailed.

The data consisted of semi-structured in-depth interviews with persons who would have occupied positions that would have placed them at the centre of decisions about the SABC. The selected persons who agreed to participate in the study included former SABC Executives, former SABC Board members, a former MP, a civil society activist and academic, a former Minister of Communications and one member of the ANC national executive committee. I was interested in their involvement and/or experiences in the implementation of the Broadcasting Act and the ANC policy on cadre deployment, and of the relationship between the SABC on one hand and the Executive, the Legislature, and the ANC on the other.

I supplemented the interviews with a range of historical documents, including SABC annual reports, white papers, policy documents, parliamentary records of portfolio committees, court records, media reports, journals, and books.

To make sense of this history, I needed social and media theories which could 'explain' the history. To this end I used social theories that looked at how colonial powers

structure political 'rule' in the colonies in ways that have been long-lasting (Mamdani, 1996a). This understanding was complemented with theories on how this kind of rule shapes contemporary power dynamics and social and political life. From this it emerged that neopatrimonialism had taken root in the ANC (Lodge, 2014). Neopatrimonialism characterises the informal interplay between the state and private interests. It is often used as a synonym for clientelism, corruption, cronyism, kleptocracy, nepotism, patronage or predation (Laruelle, 2012: 304). Related to this was a consideration of media theories that considered the relationship between the state and the media (Hallin & Mancini, 2004; Hadland, 2007). These social and media theories show the fabric of social and political forces which shaped the ANC, in turn influenced changes at the SABC.

I looked at a particular period, the beginning of Jacob Zuma's tenure as president of the ANC in 2008 until the party replaced him as president of the country in 2018. The choice of this decade is based on the political view that the 2007 Polokwane National Elective Conference was a public moment when distinct camps or factions emerged in the ANC. The ANC is essentially centrist, and hierarchical, and age and patriarchy influence how decisions are taken (Calland, 2006). But the ground shifted in 2007 when Mbeki was ousted as President of the ANC and superseded by his then deputy, Jacob Zuma (Lodge 2014). But as Cooper notes, "Patronage, rather than policy influence, motivated many of the party officials seeking Mbeki's deposition" (2015: 155).

Patronage refers to methods party politicians use to allocate public positions or special privileges in return for electoral support (Bearfield, 2009: 66). At the centre of patronage is the patron. This was the political culture of the party leadership.

Political changes in the ANC

During the Zuma presidency power became concentrated in the person of Zuma. It was almost as if the ANC derived its power from Zuma, and not the other way round. Commenting on the continuing factionalism leading up to the 2012 Mangaung Conference, and Zuma's 'defeat' of his then-rival Kgalema Motlanthe and his ANC Youth League (ANCYL) supporters, Cooper notes: "Zuma had divided his most powerful opponents, arrested the process of competitive radicalisation associated with [then-ANCYL leader] Malema's demands for land expropriation, and thus demonstrated

himself once again to be a master of internecine intrigue" (2015: 158). This was significant since the ANCYL of Malema was a powerful constituency, and until then was considered to be as the organisation's kingmaker (Twala, 2009).

Also, against ANC policy that Mbeki (2016) details, Zuma did not consult the rest of the party leadership, let alone Tripartite Alliance partners (South African Communist Party and Congress of South African Trade Unions) when he made Cabinet appointments. Zuma made the most frequent changes in the Cabinet of all the presidents, and often, ANC leadership was taken by surprise just like the general public (EWN, 2017). His was an extreme form of presidentialism (or godfatherism) – when power becomes concentrated in the hands of one individual – the patron (De Sousa & Cuadrado, 2023: 319).

The Polokwane slates were important in this respect. One of the significant changes to the election of ANC officials at its national elective conference was the introduction of 'slates' at the 2007 Polokwane Conference. A slate is a collection of candidates that share a political outlook contesting elections as a unified group. Gumbi (2022) points to their significance, noting:

> The underlying issue is that slate politics is not just about party positions. It is about one group seizing power, dominating the ANC and, by extension, the government and having access to resources. What this tells us is there is no separation between party and state and, with two groups leading one organisation [one group at Luthuli House and the other at the Union Buildings], governance and running of the nation's affairs are affected by this phenomenon in the ANC.

In other words, with these factions and slates, the ANC was a party divided against itself. The ANC that had aspired to represent the entire nation's interests died, to be replaced by an ANC of tribalism, and of discrimination along ethnic and racial lines. This manifested in the application of the policies of cadre deployment and affirmative action for public service posts. Brown envelopes of bribery became the currency for votes at electoral conferences rather than branch mandates. The spectre of a Media Tribunal

was a departure from the ANC's longstanding position on media freedom (See Mandela, 1992, 1994; Ramaphosa, 1992).

This was an ANC of attacks on the judiciary and constitutionalism to shield first Zuma's and the ANC's lawlessness and subsequently that taking place at the SABC. Something unheard of, a judge president, John Hlophe, would try and corrupt Constitutional Court judges to intervene in cases involving Zuma, lobbying for a favourable outcome for him, telling the judges "Sesithembele kinina" ("You are ***our*** last hope"). In the case against Hlophe, the findings note:

> 54. The attempt to influence Nkabinde J and Jafta AJ in the manner described above –
>
> > (a) was calculated to have an impact not only on the individual decisions of the Judges concerned but on the capacity of the Constitutional Court as a whole to adjudicate in a manner that ensures its independence, impartiality, dignity, accessibility and effectiveness as required by section 165(5) of the Constitution;
> >
> > (b) constituted a breach of section 165(3) of the Constitution which prohibits any person or organ of state from interfering with the functioning of the courts. (Hlophe v Judicial Service Commission and Others, 2022)

There was also an assault on the National Prosecuting Authority (NPA) manifesting in the disbandment of the Scorpions, the Directorate for Priority Crime Investigation, in 2009 and replacing them with the Hawks. In March 2011 the Constitutional Court ruled that the legislation establishing the Hawks was unconstitutional and invalid because it did not ensure a sufficient level of independence for the Directorate for Priority Crime Investigation (See Glenister v President of the Republic of South Africa and Others, 2011).

On top of the judiciary and NPA, institutions of democracy such as the South African Revenue Service also came under attack reducing them to hollowed-out shells incapable of meeting the needs of society (See Suryanarayan, 2020).

All of this was part of the grand plan of State Capture of government departments and state-owned enterprises (Gasnolar, 2021). At the centre of this, the Zondo Commission found that the Gupta family had found in Zuma the perfect vehicle for its clientelist objectives (amaBhungane et al, 2017; see also Appendix 5). State capture ensured that the elements of the state that could police and fight 'crime' were 'captured', thereby ensuring the development of a culture of impunity. The corruption and criminality became 'part of the state', led by the president who was himself accused of corruption in 2021 for soliciting bribes in the 'Arms Deal', described by Marrian (2021) as "South Africa's original sin", "cementing the way for the decay of the country's criminal justice system, along with that of its institutions of accountability — from parliament to the offices of the auditor-general, the public protector and the National Prosecuting Authority (NPA)..." (Marrian 2021). Criminality was woven into the structure of the state, headed by Zuma.

At the Gupta brothers' instigation, Zuma fired Minister of Finance Nhlanhla Nene in December 2015 and replaced him with the much lesser-known Des van Rooyen, then a backbencher in Parliament (Munusamy, 2018). Treasury director-general Dondo Mogojane told the Zondo Commission that in the four days that Van Rooyen held the position, the Johannesburg Stock Exchange's market capitalisation dropped by R378 billion, the rand crashed by 1.3% to the dollar, and this was the equivalent of 148 000 jobs lost (Mjo, 2018). Political scientists use a framework of inner and outer cabinets to rank the importance of cabinet positions. Finance, International Relations, Defence and Justice are the most important, and make up the inner cabinet, while the outer cabinet is less powerful and more clientelist (Martin, 1988: 795; Ecker et al, 2015: 804). When Zuma interfered with such a key position, few were surprised that he did the same with the Communications Cabinet post. In his nine years as president of the republic, he had seven ministers of communications.

Zuma's impact on the SABC

The appointment of ministers was to serve neopatrimonialist objectives. Zuma started with a huge Cabinet, increasing the number of ministers from the Mandela and Mbeki eras by almost 50%. As discussed in Chapter 4, a big Cabinet is a cog in the clientelist system, which denotes a social arrangement where patrons regulate access to social resources which they provide to clients in return for deference and other forms of

support (De Sousa & Coudrado, 2023). There were two mandates for the ministers – to appoint pliable executives to run the SABC (See Underhill, 2010; Mofokeng, 2012), and to formulate policies that would not jeopardise MultiChoice's position on the encryption of set-top boxes (Businesstech, 2013a, 2013b; Hofstatter et al, 2015). It was on these two issues that ministers were appointed and removed. Dina Pule and Faith Muthambi were compliant. Yunus Carrim and Ayanda Dlodlo were not and only lasted 10 months and six months respectively in the portfolio.

Zuma also used the appointment of the SABC Board to make sure it was populated by people willing to do his bidding (SOS Coalition, 2012; Nevill, 2013). The process of appointing the board is supposed to be open and democratic – anyone can nominate or be nominated. However, this study found that Members of Parliament could interview the nominees, but they did not have the power to choose the final members. Our electoral system works according to proportional representation. That means Parliament's portfolio committees are populated according to the percentages of votes each party received in the general election, giving the party with the majority the power to seek consensus with the other parties, or not. The study found that the ANC exercises this power by authorising, from party headquarters, the list of candidates to be confirmed. The three chairpersons of the SABC Board from 2010 to 2017, Ben Ngubane, Ellen Tshabalala and Mbulaheni Maguvhe presided over the most unstable period at the SABC as they seemed to have one purpose, to pander to Motsoeneng's every whim. The extent of their corrosive leadership was recorded in three reports (Madonsela, T. 2013/2014; Parliament, 2017; Thloloe & Tawana, 2019).

The facilitator for both ministers and chairpersons of the SABC Board was COO Hlaudi Motsoeneng who acted as a form of czar at the SABC. The Zondo Commission found him guilty of "gross abuse of power at the SABC, including diverting public resources vested in the SABC to benefit the Guptas' rival media company" (Bezuidenhout, 2022). The Commission was referring to *The New Age* (*TNA*) Breakfast meetings at which cabinet ministers were given a platform to promote themselves and their programmes. These were broadcast on the SABC's Morning Live slot free of charge even though the SABC carried the production costs, with outside broadcast costs alone estimated at R20 million (Blignaut, 2017). Motsoeneng also helped to transfer public resources to MultiChoice, a private media company, through the 24-hour channel deal, the handover

of SABC archives, and the changing of encryption policy to suit the pay-TV company (Businesstech, 2013c; McLeod, 2016)

Motsoeneng was devastating for editorial independence at the SABC long before the Editorial Policies were changed to make him editor-in-chief. This had a detrimental effect on the journalistic professionalism at the public broadcaster. It was because of his actions that SABC journalists seemed to have accepted the ANC's involvement in SABC matters. When staff complained that he had "run amok" and "was terrorising employees" in the SABC's Bloemfontein office "in Zuma's name", the Communication Workers' Union's response was to write to President Zuma, asking him to intervene (Underhill, 2010). And when an advert for the COO position was crafted with Motsoeneng in mind, the *Sunday Independent* reported that some staff felt aggrieved, and were asking: "What instruction, which we as SABC staff do not know about, does the board have from Luthuli House" (Mofokeng, 2012)? One of the suspended SABC 8 journalists accepted an invitation to go to Luthuli House to brief the party's deputy secretary general on Motsoeneng's suspension of the group. When the employer retreated, he believed it was the party official's doing. These seem to suggest that SABC journalists felt they did not have any channels to take up such matters, which is not surprising when Motsoeneng had 'captured' the Board.

It is in that context that the bravery of the SABC 8 can be seen when in 2016 they put up resistance and went all the way to the Constitutional Court to reassert their independence and to force Parliament to exercise its oversight (Modise, 2017; Krige, 2019).

In sum, the study found that the Legislative and Executive branches of government not only created the conditions for the breach of the Broadcasting Act and therefore the SABC's public service mandate, but they were also in breach of the very Constitution of the country. It was left to the Judiciary time and time again, while under attack, to restore that which was not just being lost but was being stolen from the public broadcaster. And there was one mastermind, one patron, who mandated it all.

From the perspective of this study a case can be made that during the Zuma presidency the SABC went back to being, if not a state broadcaster, then a dominant party-loyal broadcaster.

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APPENDICES

Appendix 1: Changes in government and SABC

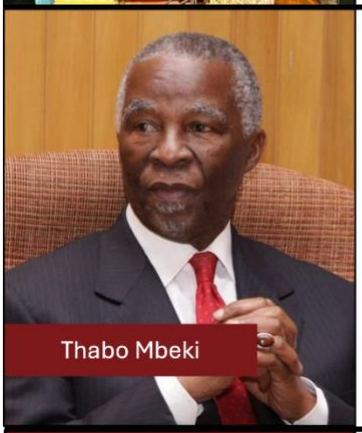
LEADERSHIP CHANGES AT THE SABC			
YEAR PRESIDENT	MINISTER	BOARD	CEO
1994 Nelson Mandela	1994 Pallo Jordan	1993 Ivy Matsepe-Casaburri	1993 Zwelakhe Sisulu
	1996 Jay Naidoo	1996 Paulus Zulu	1998 Hawu Mbatha
1999 Thabo Mbeki	1999 Ivy Matsepe-Casaburri	2000 Vincent Maphai	2000 Cecilia Kuzwayo
		2003 Eddie Funde	2000 Peter Matlare
		2008 Khanyi Mkhonza	2005 Dali Mpofu
2008 Kgalema Motlante	2009 Manto Tshabalala-Msimang		2008 Gab Mampone
2009 Jacob Zuma	2009 Siphiwe Nyanda	2009 Irene Charnley	2009 Solly Mokoetle
	2010 Roy Padayachee	2010 Ben Ngubane	2011 Lulama Mokhobo
	2011 Dina Pule	2013 Ellen Tshabalala	2014 Christian Olivier
	2013 Yunus Carrim	2014 Mbulaheni Maguvhe	2014 Anton Heunis
	2014 Faith Muthambi	2017 Khanyisile Kweyama	2015 Faith Matlala
	2017 Ayanda Dlodlo	2017 Bongumusa Makhathini	2015 Jimi Matthews
	2017 Mmamoloko Kubayi		2016 James Aguma
			2017 Nomsa Piliso
2018 Cyril Ramaphosa	2018 Nomvula Mokonyane		2018 Madoda Mxakwe
	2018 Stella Ndabeni-Abrahams		
	2021 Khumbudzo Ntshavheni		
	2023 Mondli Gungubele	2023 Khathutshelo Ramukumba	2023 Nomsa Chabeli

Appendix 1A: Changes in government and SABC

PRESIDENTS



1994
1995
1996
1997
1998
1999



2000
2001
2002
2003
2004
2005
2006
2007

Kgalema Motlanthe

2008

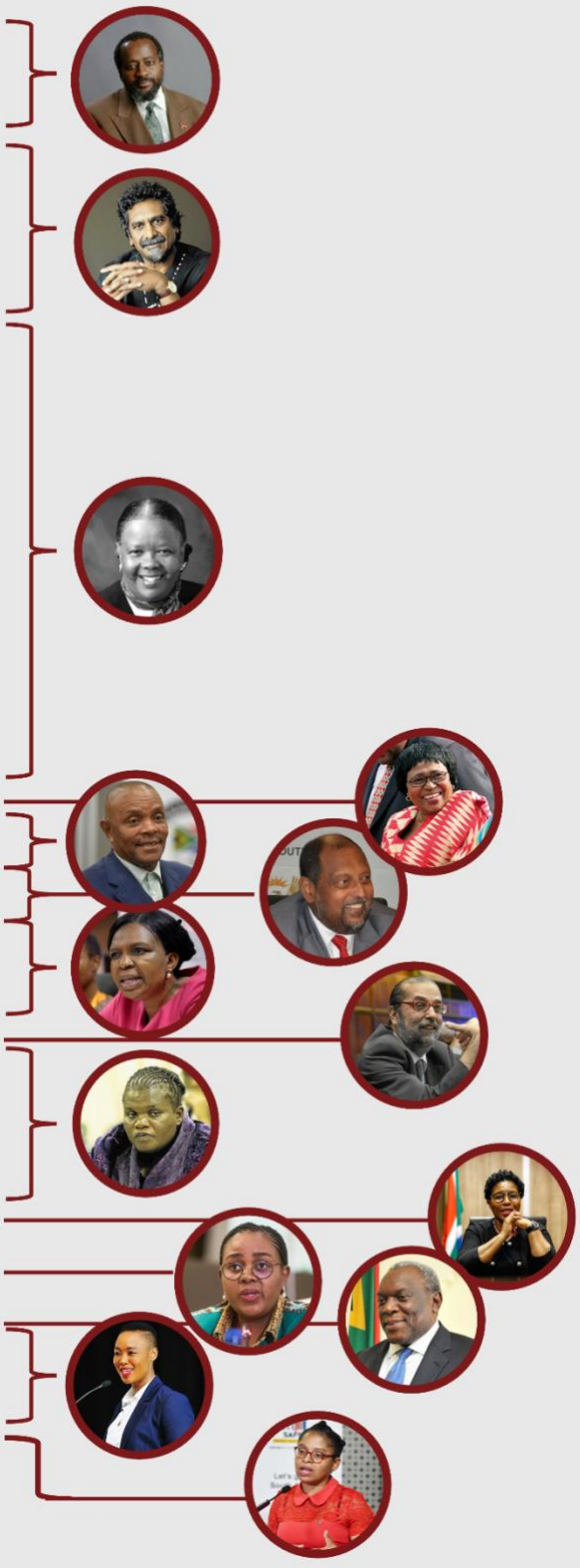


2009
2010
2011
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2015
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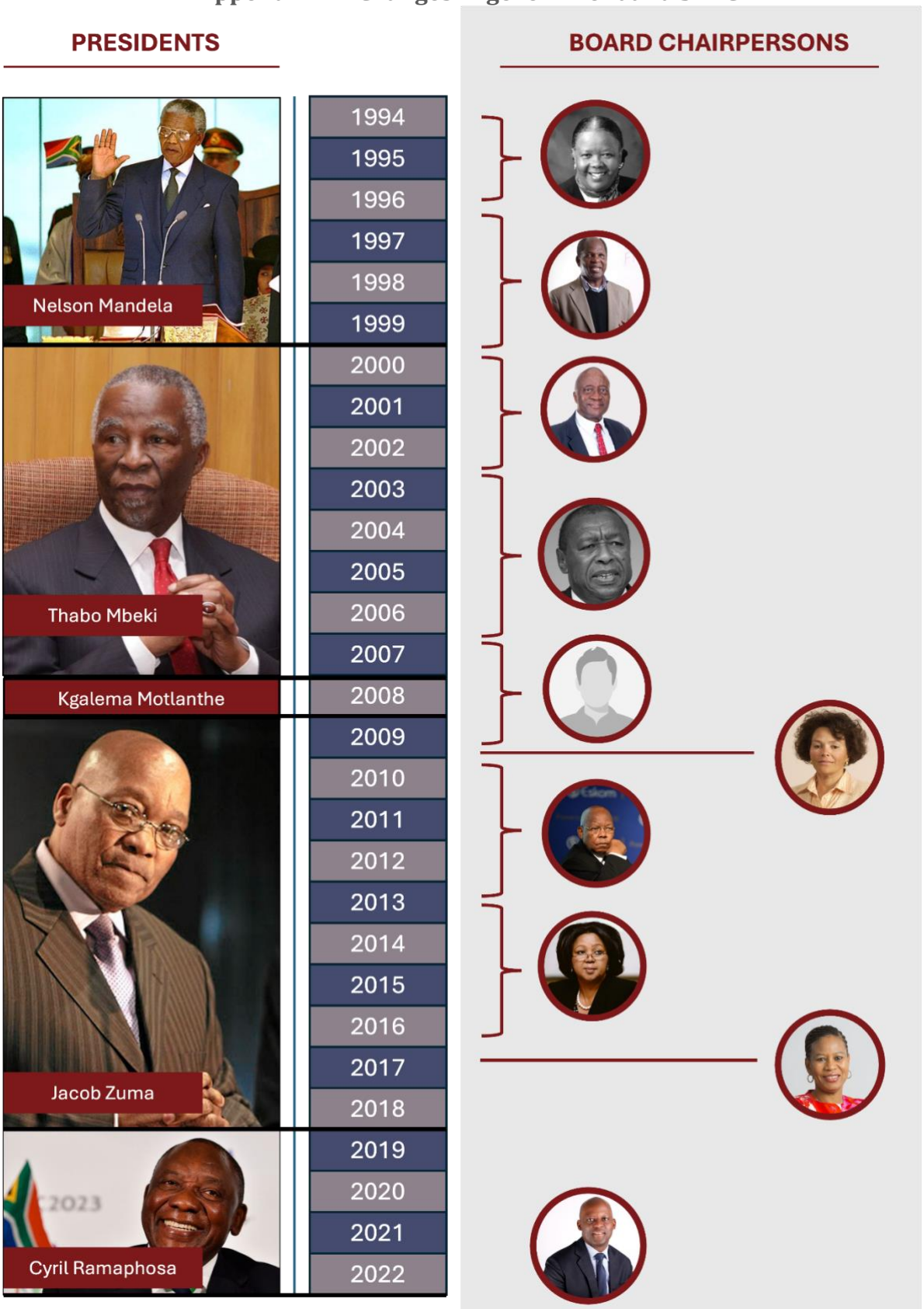


2019
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2021
2022

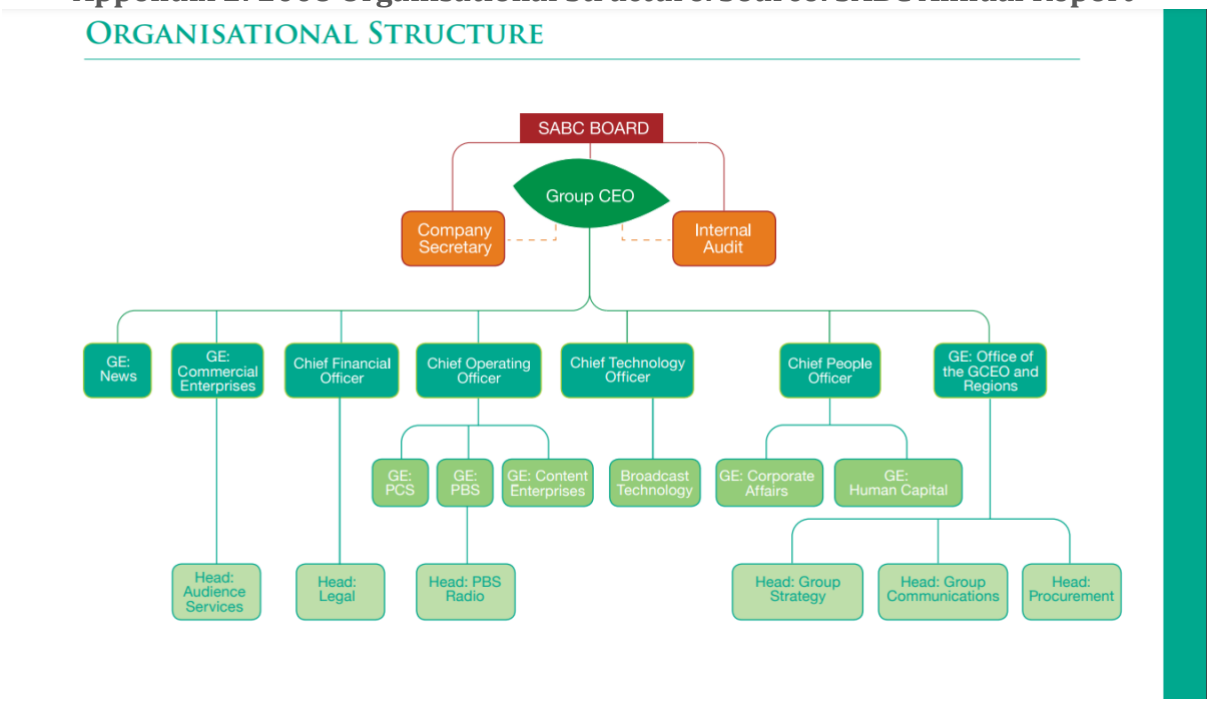
MINISTERS OF COMMUNICATION



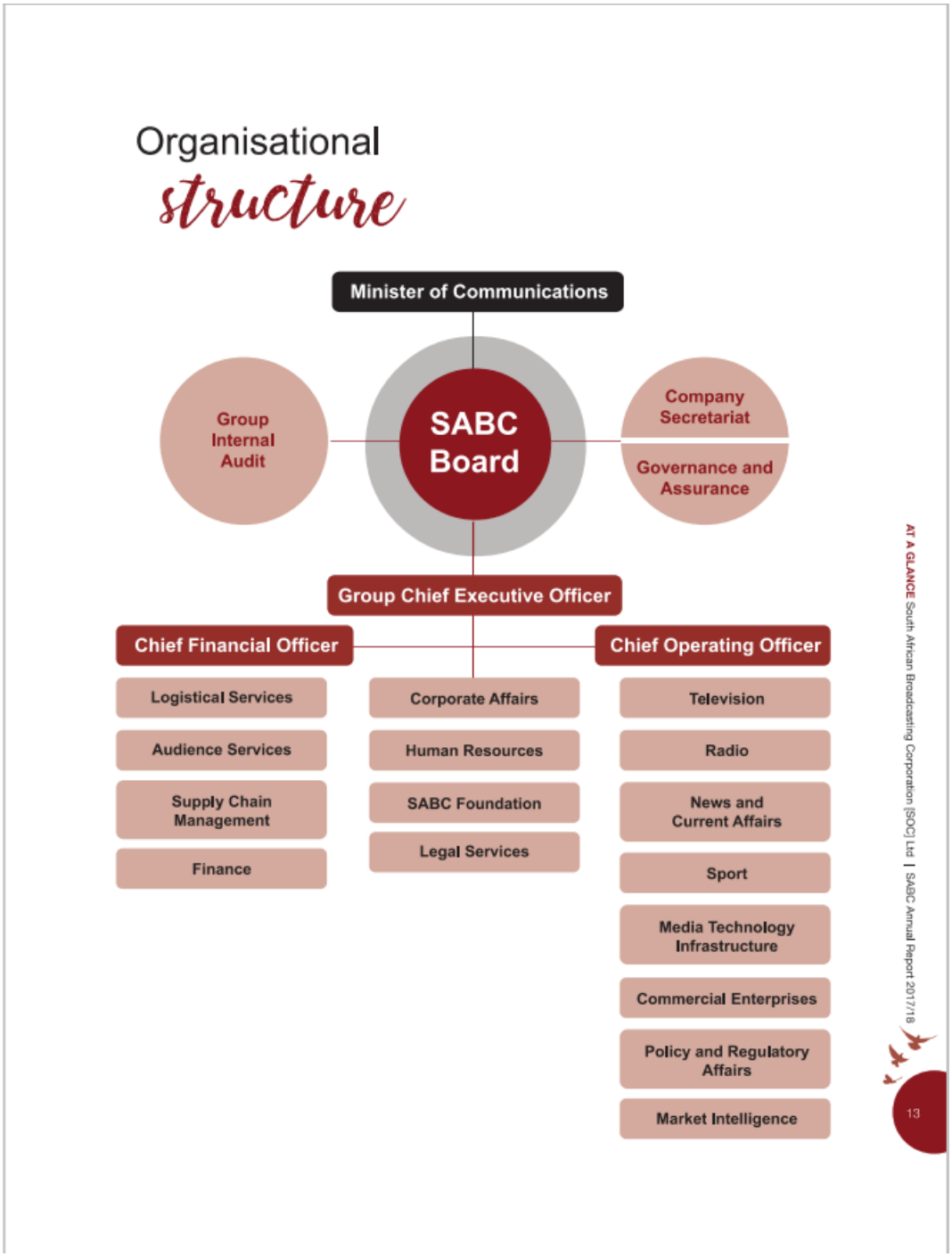
Appendix 1B: Changes in government and SABC



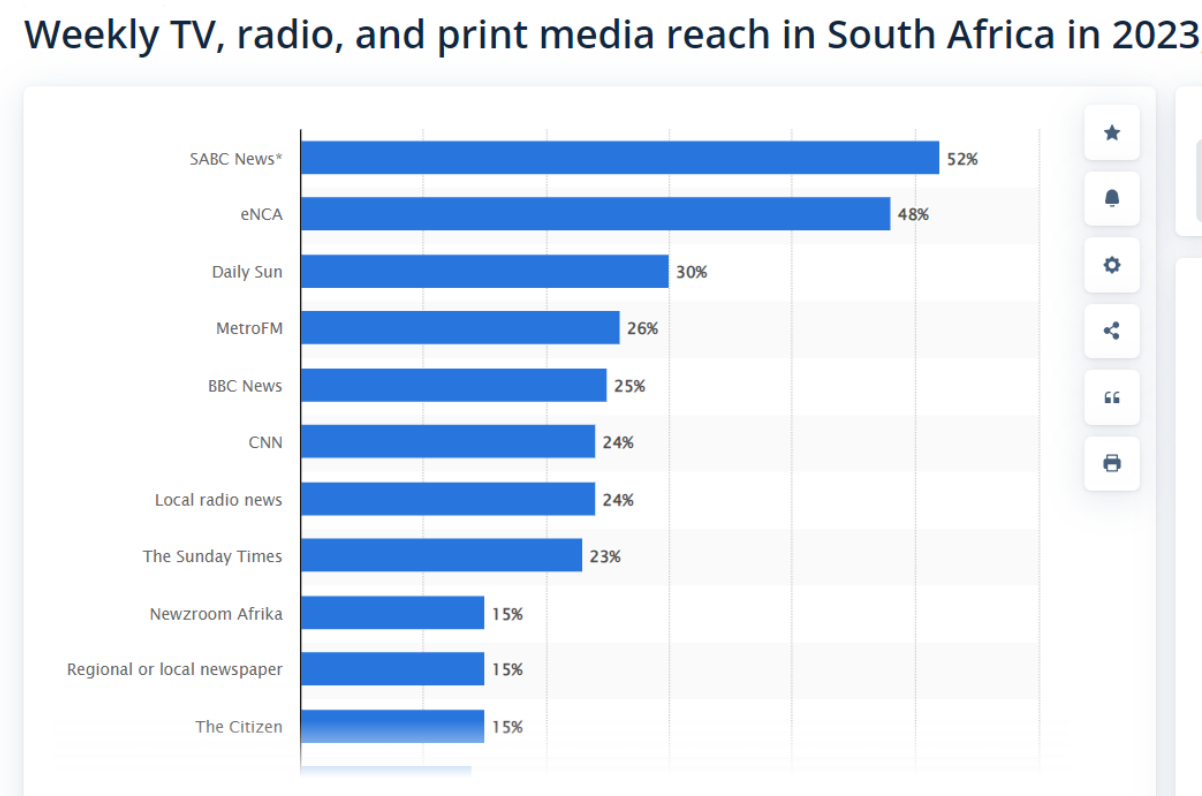
Appendix 2: 2008 Organisational Structure. Source: SABC Annual Report



Appendix 3: 2018 Organisational Structure. Source: SABC Annual Report



Appendix 4: SABC News Audience. Source: Statista.com


Weekly TV, radio, and print media reach in South Africa in 2023
SABC News*
52%
eNCA
48%
Daily Sun
30%
MetroFM
26%
BBC News
25%
CNN
24%
Local radio news
24%
The Sunday Times
23%
Newzroom Afrika
15%
Regional or local newspaper
15%
The Citizen
15%

Appendix 5: State Capture. Source: PARI

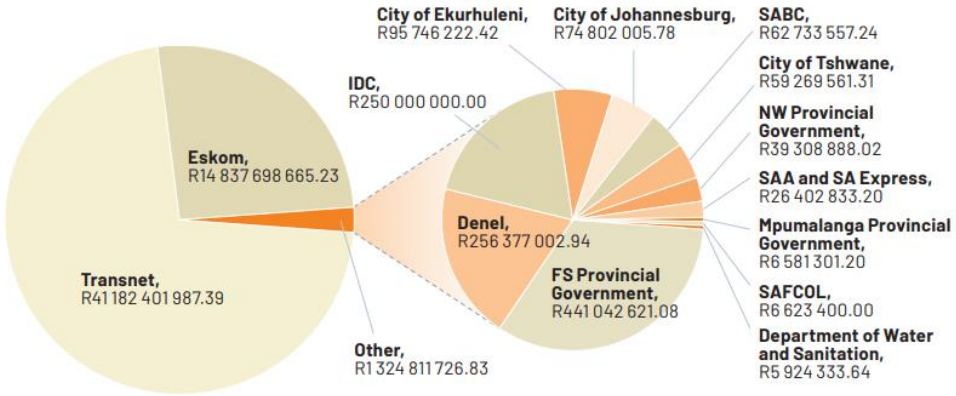
PARI PUBLIC AFFAIRS RESEARCH INSTITUTE

SUMMARY | STATE REFORM

THE ZONDO COMMISSION: A BITE-SIZED SUMMARY

The Commission estimated the total amount of money spent by the state which was 'tainted' by state capture to be around R57 billion. More than 97% of the R57 billion came from Transnet and Eskom. Out of these funds, the Gupta enterprise received at least R15 billion. The total loss to the state is difficult to quantify, but would far exceed that R15 billion.

Figure: *Public funds spent on state capture-related contracts as estimated by the Commission.*



Appendix 6: Board Resignation Letters. Source: SOS Coalition, 2012

THE PRESIDENCY: REPUBLIC OF SOUTH AFRICA

Private Bag X1000, Pretoria, 0001

Our ref: 7/5/1- Thelma Melk

Mr Senkhu Maimane
South African History Archive
P.O. Box 31719
BRAAMFONTEIN
2017

Per fax/e-mail 011 717 1964 / foip@saha.org.za

Dear Mr Maimane,

SAHA/REQUEST FORACCESS TO THE RECORDS IN TERMS OF PROMOTION OF ACCESS TO INFORMATION ACT, ACT 2 OF 2000

1. Your request for access, dated 5 June 2012, to following records:

    1.1. The resignation letters of six (6) SABC Board Members that have resigned since 2010 to date;

    1.2. The minutes pertaining to the resignations of six (6) SABC Board Members those have resigned since 2010 to date;

refers.

2. After due consideration of your request, I advise as follows:

3. The Presidency, acting in terms of section 48 of PAIA, notified the six (6) SABC Board members of the request for access to their resignation letters and of the Presidency's intention to release same.

4. Five (5) of the six (6) SABC Board members consented to their resignation letters to be release. One of the Board members who was given notice in terms of section 48 of the Act objected to the release of the resignation letter.

5. In light of the above I hereby advise that the resignation letters of the five (5) consenting SABC Board members are herewith attached.

6. The resignation letter of the member who has lodged an Appeal will be withheld pending the outcome of the Appeal.

7. As advised, the minutes of Board meetings are not in the possession of or within the control of the Presidency.

8. You are informed of your right to lodge an internal appeal with the Relevant Authority in terms of section 74 read with section 75 of PAIA.

Yours faithfully,



Dr Batandwa Siswana
Deputy Information Officer
Date: 19/11/2012

The Chairman

Dr. Ben Ngubane

SABC Board

Date: 1st August 2010

Dear Dr. Ngubane,

I am resigning from The SABC Board with effect from 1st August 2010, cognisant of the three month notice period.

Over recent months, many reasons have converged to force my decision. The latest reason is the circumstances surrounding the process leading to the announcement and irregular appointment of the GE – News and Current Affairs.

As part of the interviewing panel, my views were not taken into consideration in respect of the evaluation of the candidates. In retrospect the whole process was forced to realise a pre-conceived result.

I abstained from the subsequent scoring because I believe that the interview panel had been compromised and the process tainted by two members of the five member panel. I was not able to exercise my unfettered discretion.

As the preferred candidate had already concluded a contract of employment with The SABC, the evaluation process and my scoring would have been rendered post facto and therefore a futile exercise. The Chairperson and the CEO had already proceeded in contravention of The Board Resolution and the Memorandum and Articles of Association. Relevant information had been deliberately withheld from the Board.

I recognise that given the present operational conditions at the SABC, which have led to the R1.473bn Government Guarantee to meet the Corporation's financial exigencies, any Board would be faced with formidable challenges. Among these challenges are:

- An entrenched culture that has defied genuine transformation;
- A crisis management style characterised by non-compliance with corporate governance;
- Management control by excessive, unprocessed and tardy documentation;

- A selective approach to the complexities of modern day broadcasting which divorces the core service of content over production and programming from its financial imperatives and;
- Management by sub-committee.

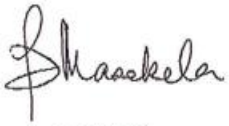
We have lurched on from one crisis to another, relegating corporate governance to the bottom of the pile, thus operating without instituted regulation to govern our own behaviour as a Board.

Aware of the crippling debt to the Public Purse we have not moved an iota to address the excessive wage bill.

Sadly our own internal debates as a Board have taken precedence over our responsibility to the public audience, the majority of who depend on the SABC as their sole access to information.

I take full responsibility for the failure to address the substantial problems of the SABC while tinkering with the entrenched formalities.

Ultimately, my decision comes with deep anguish and disappointment. I have not been able to live up to expectations of those who nominated me, neither have I been able to live up to the honour of my appointment.



Barbara Masekela

101 Riviera Mansions,

11 Main Avenue,

Riviera, 2193.

16

E-mail: Mbatiajn@sabc.co.za

www.sabc.co.za

From: Cliff Motsepe [mailto:cliffmotsepe@gmail.com]
Sent: 26 March 2012 11:45 AM
To: Jane Mbatia
Subject: Resignation as a board member

President of RSA

Private Bag X 1000

Pretoria

0001

Sir

Re: Resignition as a board member of SABC

I would like to take this opportunity to thank you for the confidence you have shown in me by appointing me as a board member of the South African Broadcasting Corporation (SABC).

I hereby resign as a board member of the SABC.

I wish to state that, although I have to serve a three months' notice, I can be available for board activities only until 13 April 2012

2

The reason for my resignation is that I have been appointed as a Member of Executive Council (MEC) in the Limpopo Province. I would like to take this opportunity to sincerely thank the President of RSA for the confidence he had in me.

I would like to thank all Ministers who presided over the corporation in the last two years and in particular Hon. Dina Pule for her unparalleled and decisive leadership. Many thanks to colleagues in the board under the capable leadership of Dr. Ben Ngubane. I learned a lot from their robust and frank engagements.

Thanks to the staff members of the Corporation who were always available when I needed their support.

Yours sincerely,



Clifford Motsepe

This email has been scanned by the IS MessageLabs Email Security System.
For more information please visit http://www.symanteccloud.com

<mime-attachment.jpg>

David Niddrie
71 Highland Road, Kensington 2094, Johannesburg, Gauteng

13 October 2010

The Hon President Jacob Zuma
The President of the Republic of South Africa

Resignation as a director of the SABC

Mr President

I hereby tender my resignation with immediate effect as a director of the South African Broadcasting Corporation (*SABC*), cognisant of my statutory obligation to serve notice of three months. My last day in office will be 12 December 2010.

I thank you for the faith and trust placed in me and the honour afforded me through my appointment.

I submit this resignation with a deep sense of regret, but believe resignation is the only reasonable option for the non-executive directors appointed in January: in their nine months in office, the current Board of Directors has comprehensively failed to discharge its statutory responsibility to ensure that the SABC meets the broadcasting needs of all South Africans, and particularly of the millions of South Africans who, for reasons of historical inequality, depend exclusively upon its radio and television services. Under the prevailing circumstances, I believe continued participation on the board is an exercise in futility. Without wishing to excuse the board or otherwise deny directors' collective statutory and political responsibility for the failure to address the SABC's many shortcomings, I believe the failure was largely a consequence of factors beyond the board's control. Primary among these has been a comprehensive and sustained failure of oversight by the organs charged in law with this function, and specifically the executive authority, that is the Minister of Communications.

The effect of this failure of oversight has been to comprehensively undermine the ability of a board, already facing unusual and major challenges, to properly and effectively fulfil its fiduciary and other statutory responsibilities. This has been compounded by a corresponding failure by the Parliamentary Portfolio Committee on Communications (*PCC*) to exercise full oversight over both the SABC and the Minister and Department of Communications, both of which fall under its remit.

The resignations of directors – of which I am the fourth – are all a consequence of this failure of oversight. It is to be noted that all directors who have resigned are active members of the African National Congress (*ANC*). Their resignations can therefore not be characterised as arising from party-political differences or from what the media consistently and inaccurately describes as resistance by the board of attempts by the Minister to establish ANC control over the SABC. The resignations are, rather, a consequence of frustration over the board's inability to resolve the challenges facing the SABC and a corresponding frustration over the refusal of the state and legislative organs charged with oversight and support to provide such support.

While the board collectively and directors individually must accept responsibility for their failure over the past nine months, I believe the circumstances under which they have operated made such

failure virtually inevitable. Under circumstances in which the board was denied the support it needed through the means prescribed by statute, I believe it is inevitable that proper governance procedures would come under pressure and, eventually, begin to crack. Nearly six months after the board first approached the Minister for support in addressing the related issues of multiple breaches of law by the chief executive officer and the chairperson, this is precisely what has begun to happen.

In closing, I wish to state my continued support for and commitment to public broadcasting in South Africa generally, and to the SABC in particular. I intend to retain my interest and involvement in public broadcasting through the ANC and Alliance structures, and to submit proposals to the planned ANC conference on public broadcasting flowing from resolutions of the September 2010 NGC.

I appeal to you, as the President and as the ultimate executive and political authority, to consider intervening to protect the SABC and to ensure that directors are individually and collectively able to fulfil the duties and responsibilities for which you appointed them. I make this appeal mindful of your extremely busy schedule. Should you wish it, I and, I am sure, the other directors who have resigned, will make themselves available for exit interviews, or for informal discussions on the lessons learned over the past nine months.

Yours respectfully



David Niddrie

COPY

FELLENG SEKHA
P.O. Box 782534, Sandton, 2146

Gen (Ret) Siphiwe Nyanda, MP
Minister of Communications
Ministry of Communications
Private Bag X860
Pretoria
0001

13th September 2010

RESIGNATION FROM THE BOARD OF THE SOUTH AFRICAN BROADCASTING CORPORATION (SABC)

Dear Minister Nyanda,

Please accept this as notice of my resignation from the board of the SABC, with effect from the 13th September 2010, in accordance with the provisions of section 15 (2) of the Broadcasting Act (Act No 4 of 1999) as amended.

My decision to resign is informed by the fact that circumstances prevailing in the Board make it impossible for me properly to discharge my fiduciary duties and statutory obligations. The majority of the members of the Board have repeatedly attempted to raise and address these problems through appropriate channels, but these attempts have been to no avail.

This has been a difficult decision and has been reached after much deliberation, pursuant to which I have been driven to the conclusion that it would be inappropriate for me to remain in office in circumstances where there appears to be no reasonable prospect that the problems referred to above will be remedied in the foreseeable future. I am sad to have to leave the SABC under such circumstances.

I am grateful to have had the opportunity to serve the country in this capacity, for which I thank you.

Sincerely yours,

Felleng L. Sekha

19

Peter Harris
P O Box 413460
Craighall
2024

30 June 2011

The Honourable Jacob Zuma
President of the Republic of South Africa
Union Buildings
Government Avenue
Pretoria

AND TO:
The Minister of Communications
IParioli Office Park
399 Duncan Street
Hatfield
Pretoria

AND TO:
Dr B Ngubane
Chairperson
South African Broadcasting Corporation
Radio Park
Henley Road
Auckland Park

Dear Mr President

Re: **RESIGNATION AS A NON-EXECUTIVE DIRECTOR OF THE SABC**

It is with regret that I have to inform you of my resignation as a non-executive member of the Board of Directors of the South African Broadcasting Corporation (SABC). This resignation from the Board and all of its sub-committees is with immediate effect.

When I was appointed to the Board of the SABC, I viewed it as a great honour and made a firm commitment to serve the interests of the public broadcaster with dedication and integrity.

Over the last few months I have given serious thought to resigning from the Board. The primary reason I have remained is that I believe I have a duty to do all in my power to address the numerous issues and challenges facing the SABC.

I believe that the SABC has made great progress in addressing the numerous challenges it faces, particularly in relation to very significantly reducing the deficit that we, as a Board, inherited when we came into office in January 2010. In addition, the restructuring process is well underway and I do

believe that the turn-around strategy is a world class strategy which, if the Board is allowed to implement it, will address many of the challenges which it has faced historically.

I have scrupulously fulfilled my Board and sub-committee obligations.

I have resisted setting out in detail the concerns which I have in relation to certain areas of the functioning of the Board, including its interaction with the Ministry and the intolerable interference from the Ministry in the affairs of the Board.

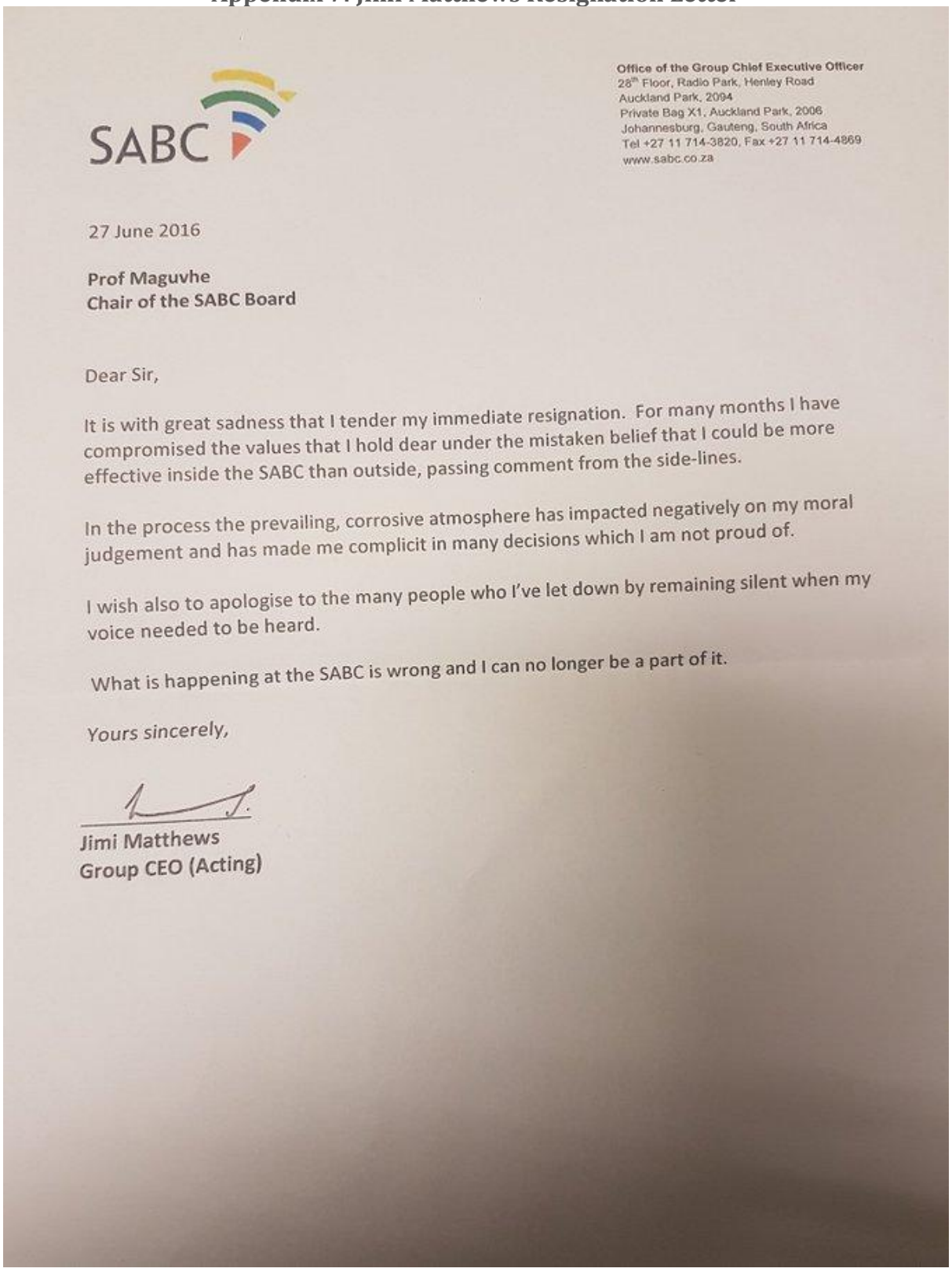
As you will be aware, the Board has been operating under immense pressure since the resignation of four members of the Board in the latter part of 2010. The appointment of the directors by the President has now taken place and therefore my resignation should not hinder the operations of the Board in terms of its quorum.

I am aware that I am required to give three months' notice in terms of the Broadcasting Act 4 of 1999, however, the position of the Presidency in relation to the resignation of directors who resigned in 2010 was that their resignation should be immediate. I therefore request that my resignation should be with immediate effect. If however you would like me to serve my three months' notice period, please do not hesitate to let me know.

Yours sincerely

PETER HARRIS

Appendix 7: Jimi Matthews Resignation Letter



SABC

Office of the Group Chief Executive Officer
28th Floor, Radio Park, Henley Road
Auckland Park, 2094
Private Bag X1, Auckland Park, 2006
Johannesburg, Gauteng, South Africa
Tel +27 11 714-3820, Fax +27 11 714-4869
www.sabc.co.za

27 June 2016

Prof Maguvhe
Chair of the SABC Board

Dear Sir,

It is with great sadness that I tender my immediate resignation. For many months I have compromised the values that I hold dear under the mistaken belief that I could be more effective inside the SABC than outside, passing comment from the side-lines.

In the process the prevailing, corrosive atmosphere has impacted negatively on my moral judgement and has made me complicit in many decisions which I am not proud of.

I wish also to apologise to the many people who I've let down by remaining silent when my voice needed to be heard.

What is happening at the SABC is wrong and I can no longer be a part of it.

Yours sincerely,

Jimi Matthews
Group CEO (Acting)