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## **Judicial inquiry needed into SABC - The National Foundations Dialogue Initiative (NFDI)**

### STATEMENT OF THE FOUNDATIONS' INITIATIVE ON THE SABC

We, the undersigned Foundations, informed by the commitment to the constitutional imperative of an independent public broadcasting service which faithfully contributes to democracy as laid down in the Broadcasting Act, wish to express ourselves strongly about recent and on-going events at the South African Broadcasting Corporation (SABC).

Elements within the SABC have established a deeply troubling practice of flouting corporate governance principles, disregarding labour legislation and honouring the Broadcasting Act, the Constitution of the Republic and the SABC Charter more in the breach than in their observance.

We note, with deep concern, that the Public Protector and the courts have made adverse findings against the SABC's Chief Operating Officer, Mr. Hlaudi Motsoeneng, which Communications Minister Faith Muthambi and the SABC Board have ignored.

The SABC's or more accurately, Mr. Motsoeneng's arbitrary decision to censor the broadcast of violent protests in the country takes the breach to new levels, and offends against the Constitution of the Republic, the Broadcasting Act, the SABC Charter and basic democratic ethos, all of which enjoin the SABC to inform the nation in a scrupulously fair, impartial and accurate a manner.

By censoring some news while privileging others, the SABC is stifling open debate and the free flow of information and ideas. This threatens the very essence of our democracy.

In our constitutional framework, there is no justification for the public broadcaster to censor broadcasts unless with the expressed determination of the Independent Communication Authority of South Africa or the Broadcasting Complaints Commission of South Africa. To allow Mr. Motsoeneng to forge ahead with the litany of his arbitrary decisions is to surrender our freedom!

We recall that in the document, "Ready to Govern: ANC Policy Guidelines for a Democratic South Africa," the ANC committed itself to encouraging "the development of a national democratic culture," to "engender a culture of open debate" and affirmed its belief "that the transition to democracy in South Africa entails a movement from a closed society into one based on a free flow of information and a culture of open debate."

Elsewhere, the document states: "At the core of democracy lies the recognition of the right of all citizens to take part in society's decision-making process. This requires that individuals are armed with the necessary information and have access to the contesting options they require to make informed choices. An ignorant society cannot be democratic."

The Foundations submit that President Jacob Zuma should immediately constitute a Judicial Commission of Inquiry to review and make recommendations concerning the SABC corporate governance systems, operations, adherence or otherwise to the Constitution of the Republic, the Broadcasting Act, the SABC Charter and all relevant labour legislation.

We also note that other public institutions have experienced or are experiencing similar governance breaches and leadership failures. These include but are not limited to the unceremonious coerced departure of senior personnel, often resulting in leadership vacuum, questionable procurement and other ill-advised decisions as well as appointments of people of doubtful backgrounds, qualifications and abilities.

This trend has manifested at the National Directorate of Public Prosecutions, the South African Police Service, the Directorate for Priority Crime Investigation (Hawks), the Independent Police Investigative Directorate (IPID), PRASA, South African Airways, the South African Post Office, the South African Revenue Service, the National Energy Fund, PetroSA and now recently, the Council for Scientific and Industrial Research (CSIR).

The cumulative effect of the crises in each of these institutions portends the destruction of public services and the state machinery itself. This in turn constitutes a threat to the wellbeing of the people as a whole and therefore our national security. As the poet put it, "Things fall apart; the centre cannot hold; Mere anarchy is loosed upon the world."

Our country cannot and must not accept this!

**Note:** The Foundations' Initiative is a project of the Chief Albert Luthuli, Desmond and Leah Tutu Legacy, Robert Sobukwe, Helen Suzman, Umlambo, FW De Klerk, Jakes Gerwel and Thabo Mbeki Foundations to facilitate a national dialogue about our country's opportunities and challenges, to explore solutions to the latter and together to harness our collective energy towards the realisation of the former.

Statement Issued By Nomhle Canca

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