

Presentation to Parliament

Sisulu Commission

Advocate Dali Mpfu
SABC Group Chief Executive Officer
30 October 2006



Context

- May 2006: Board and Exco Strategy in Kyalami
- News Strategy Presentation included guidelines for use of commentators on Radio and TV news
- News needed to prepare document with additional info to give perspective
- Discussion in News room on draft document led to black list allegation in Sowetan

Background

Blow by Blow Factual Account

- 20 June Sowetan article alleging blacklist by SABC
- Next day SABC issued statement- no policy on blacklisting
- 21 June :Sowetan follow up
 - Perlman/Kganyago interview on SAFM
 - Perlman Memo

Background Continued

- 22 June Group Executive meeting
- SAFM interview by Group CEO
- 23 June secured two Commissioners
 - ✓ Approached Chairman
 - ✓ Advised Board on my decision
 - ✓ 24 June Issued press statement
- 29 June terms of reference version 1

Blow by Blow Continued

- Terms of reference version 2
- Commencement: DM gave evidence
- Chair gave evidence J Perlman Snuki
- 35 others (11 in camera)
- Issued 4 statements communicating process

Blow by Blow Continued

- Mid September: Deadline from DM for end of September 2006
- 2 October, received document with evidence
- Communicated to Chairman
- 4 October, gave report and my impressions
- Board unanimously decided not to release report, set up adhoc committee of 5

Blow by Blow Continued

- Adhoc committee only met 11 October
- Group CEO presented statement
- 12 October, Anton Harber article in Business Day (Check date whether it was 11 or 12)
- SAFM interview
- Statement released, with summary of findings and recommendations
- 13 Oct, leak reported on Mail & Guardian

Blow by Blow Continued

- 14 Oct. Mail & Guardian publish report on Website
- 14 October, court challenge to Mail & Guardian action (Reasons for court challenge)
- 16-18 October complete reading 2000 page evidence
- 19 October, asked Zikalala and Perlmen for written explanation
- 22 October, City Press article, explaining our action

Issues from Report

On Commission's procedure and methodology:-

'The proceedings before the Commission were not a trial nor a vehicle for enquiry into labour disputes. The Commission's task was to investigate the matters within it's terms of reference. In certain instances, there are irresolvable disputes of fact. However, the core findings are based on evidence that is undisputed.' (3.4 of report)

On the SABC's Editorial policies:-

'The SABC occupies a distinctive position of trust in the lives of its viewers and listeners, we are the most distinctive, all-inclusive and diverse news organisation in South Africa. The SABC considers it a duty to provide consistent, relevant, useful and top quality information and analysis on which all South Africans can rely as they discuss and deliberate, form opinions and build a common future.

Commission's Approach

The policy further states:-

'The SABC should offer information that is substantial, and analysis that is authentic and meaningful to ordinary, enquiring South Africans so that they can form their own opinions.' (4.7 report)

THE EVIDENCE ON EXCLUSION OF COMMENTATORS

'Our point of departure is that it is perfectly permissible for the SABC to have in place a policy dealing with the selection and utilisation of commentators and analysts. Nobody who appeared before the Commission suggested otherwise.

Clearly, the SABC has a duty to screen persons as authentic experts and persons who will add value to programming. Mr Mpofu stressed the matter of quality in this regard.

We note, that 'quality' should be assessed time, in the ongoing discourse and debate by a range of experts and their interrogation by SABC journalists, rather than by once off decisions relating to each-and-every programme which would assume the existence of absolute neutral and unassailable expert. The main point we would like to stress is that any decisions on who constitutes a legitimate commentator or analyst must be consistent with the SABC's mandate and particularly must be consistent with the SABC's mandate and

particularly its duties as a public broadcaster as elaborated in its editorial policies.'

(5.1.Report)

Objectivity

‘In assessing the manner in which decisions were taken or instructions given concerning the use of commentators, we do not wish to be understood as second guessing those by whom the decision were taken. It is not our task to prescribe whom the SABC should use as analysts or commentators. We do no more than assess whether the decision in question were objectively defensible in terms of the SABC’s mandate and policies. In some instances, while decisions might have been ‘well intentioned’, it does not follow that they are objectively consistent with the

SABC’s mandate and policies. Instead, we have found that there is a disturbing variance in several cases. (5.4.Report)

Procedure

‘While the system of upward referral permits a hierarchy of decision making in situations where there is uncertainty, the policies make it clear that ‘as a rule, and as a matter of policy, the authority for editorial decisions is vested in the editorial staff.’ As will become apparent in due course, critical editorial decisions were taken out of the hands of editorial staff when it came to the utilisation of certain people as commentators or analysts.

(5.8 report)

COMMUNICATION

‘There were many other instances where editorial staff did not receive what they considered to be adequate responses to their requests for explanations for the exclusion of particular analysts or commentators. In some cases, this put them in the devious position of having to explain to invited guests why the invitation was being cancelled. The apparent failure by Dr Zikalala, either personally or through his subordinates, to explain the decisions adequately in conformity with a culture of justification, is likely to have impacted negatively on morale.’ (8.8.Report)

Communication continued

As is to be expected, those who were concerned with the low level of morale had experience, direct or indirect, of having to execute decisions with which they disagreed in relation to which they had received no adequate explanation. By contrast, we also heard evidence that Dr Zikalala is concerned to improve the quality of reporting and has taken active steps to do so, is passionate and committed and leads by example.

Media Statement

Paragraph 11 of the Media statements :-

'the decision was made taking into account the fine balance between the need for public accountability and transparency, the views of the commissioners, the constitutional rights of the witnesses and the implicated SABC employees as well as the fact that this was an independent but internal enquiry in the first place. The matter is, however, on sufficient public interest for the

SABC to announce the key findings and recommendations immediately.



On Action

‘The Sabc Board has referred this matter back to the Group CEO to take whatever steps he deems necessary and to investigate the practicality of the Commission’s recommendations and how they can enhance the functions of the Corporation to the good of the SABC and the

South African public.’

(paragraph 19-media statement)

Closing Remarks

- Media frenzy, selective reporting confirmed our fears
- Group CEO will decide on corrective action
- Parliament put in place Constitution, Labour relations act that have to be adhered to
- Shallow and parrot journalism and falsification of information is unfortunate

Closing Remarks

Reality:

1. Some serious shortcomings identified and important recommendations made
2. Report relates to one Radio station and one programme
3. No black list or blanket ban was found
4. No pro government, political disposition or attitude to succession debate found
5. Distorted reporting especially in print media

Closing Remarks

Reality:

6. SABC upbeat in its overall performance and credibility levels at 94%
7. Exceeding ICASA mandate
8. Record profits (100% profit growth)
9. Group CEO is ceased with the matter as explained (labour law expert)
10. Awards and accolades daily