

CONTEXTUAL BACKGROUND
TO THE MEMORANDUM OF DEMANDS
THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

TO: His Excellency, The President of the Republic of South Africa

FROM: South African Cultural and Creative Industries Campaign

14 May 2025

SUBJECT: STATE FAILURE, SYSTEMIC CORRUPTION, AND THE DESTRUCTION OF SOUTH AFRICAN ARTS AND CULTURE: MR PRESIDENT, ACT NOW OR BE COMPLICIT

INTRODUCTION: SOUTH AFRICA'S CULTURAL SECTOR IN FREEFALL-A NATIONAL EMERGENCY DEMANDING IMMEDIATE PRESIDENTIAL INTERVENTION

We, the undersigned leaders and participants of the **South African Cultural and Creative Industries Campaign** – comprising thousands of artists, creative and cultural workers, creative enterprises, youth platforms, and independent organisations across all nine provinces – submit this memorandum as a matter of **urgent national concern**.

This is not an ordinary petition.

This is a declaration of cultural emergency.

This memorandum will be accompanied by a full submission to the DSAC and shared with all sector stakeholders to ensure mutual transparency and institutional accountability.

South Africa's creative and cultural industries are not merely under strain – they are facing systemic collapse¹. The sector, which has long sustained national identity, contributed billions to GDP, employed thousands, and elevated the global reputation of South African stories, now stands gutted by mismanagement, political interference, and institutional decay.

The Department of Sport, Arts and Culture is **no longer fit for purpose**. Programmes are stalled. Funding pipelines have collapsed. Institutions are being run by individuals with no demonstrable knowledge, credibility, or commitment to the creative industries and are compromised. Ministerial conduct has prioritised political optics over public service. What should be a constitutional engine for cultural growth has become a bloated shell – heavy on bureaucracy, empty of leadership, and weaponised against the sector itself. It is no longer responsive or

¹ **Mr President**, please note that the challenges the creative sector faces from the state are not limited to those emanating from DSAC, as noted above. They are severely exacerbated by the significant harm being done to the full and extensive value chain of the film and TV production sector and all its downstream beneficiaries caused by the DTIC's disastrous (mis)management of their rebate incentive schemes, of which we understand you are aware.

This is costing the country billions in foreign direct investment and thousands of jobs, which are being lost to other countries with more reliable and attractive schemes. Investment and jobs the country can ill afford to lose. We thus further appeal for your urgent intervention to address this crisis.

representative, and has become deaf to the realities, voices, and urgent needs of the creative community.

The creative sector is now experiencing the same early-stage capture patterns seen in other collapsed public institutions – insider appointments, loyalty-based access, and manipulated accountability structures. What was once a ministry for cultural advancement has devolved into a staging ground for patronage and spectacle. This is the blueprint of institutional erosion – and it is unfolding in full view.

This is not our first communication. This Department has **ignored warnings, broken trust, and doubled down on dysfunction**. We are done appealing to goodwill.

This is a formal demand for immediate institutional recovery –or consequences.

Public confidence in the Department has collapsed. What should be a national engine for creative and cultural development has become a source of reputational damage, obstruction, and neglect. International partners, funders, and curators are withdrawing support from South African projects – not due to artistic failure, but because of governmental dysfunction and political interference.

We bring this matter directly to your Office, Mr President, because this is no longer a departmental issue. It is a **constitutional failure of executive oversight**. Recent governance failures, lack of transparency, and sustained political interference have placed the entire cultural ecosystem at risk – and with it, South Africa’s national legacy.

Without your urgent, visible, and corrective intervention, this administration will preside over the **erasure of South Africa’s cultural identity** and the **economic collapse of a multi-billion rand industry**. The time for symbolic gestures and delegated responsibilities is over. The sector will not survive another year of weaponised incompetence and fabricated consultation processes.

We are not here as **beneficiaries**. We are here as **builders** of a vital, self-sustaining creative economy. As workers, educators, producers, custodians, and innovators – now forced to march, protest, and mourn the wilful dismantling of our sector.

We call on the Presidency to take decisive, direct, and public action to halt the collapse, restore institutional credibility, and prevent irreversible reputational harm to the Republic’s cultural and creative legacy.

EVIDENCE OF SYSTEMIC FAILURE:

I. EXECUTIVE NEGLECT AND LEADERSHIP FAILURE

For over two decades, the arts and culture portfolio has been used as a political negotiation tool - assigned to Ministers with no sectoral experience, little interest in institutional strengthening, and no vision for systemic reform.

Instead of credible leaders, the sector has been handed figureheads. Ministers more interested in vanity campaigns and awards shows than the day-to-day economic and structural challenges facing artists, educators, and creators.

In addition, the Minister has increasingly repurposed the Department of Sport, Arts and Culture – both in function and in form – to serve private political interests that have nothing to do with his constitutional mandate.

The use of DSAC offices, personnel, and public infrastructure to host political meetings – including with organisations such as AfriForum and unrelated business entities – constitutes a misuse of public resources and a breach of ministerial responsibility. These engagements have no relevance to the department’s legislative obligations, yet they consume state-funded time, security, and operational capacity while the arts and culture sectors are collapsing.

In addition, the Minister has repeatedly used social media to defame individuals, escalate personal vendettas, and trivialise public service. This conduct is unbecoming of any public official and brings the integrity of the Ministry into disrepute.

The Portfolio Committee on Sport, Arts and Culture is constitutionally empowered to oversee the Department, interrogate executive conduct, and safeguard public interest. Its failure to intervene decisively, call for transparent reviews, or hold the Minister and senior officials accountable is a dereliction of its constitutional mandate. We call on the Committee to **convene urgent public hearings**, subpoena relevant documents and officials, and table its findings in Parliament – including recommendations for sanctions, dismissals, or referral for prosecution. Parliamentary inaction in this context constitutes complicity.

Parliament Must Fulfil Its Oversight Mandate.

Oversight Options and Sector Expectations

We submit this memorandum not only to demand departmental reform, but to hold Parliament itself accountable for enforcing ethical and institutional oversight. Parliament’s oversight is not optional – it is a constitutional obligation - to scrutinise executive conduct, protect public institutions, and uphold the public interest.

The Minister cannot investigate himself. Nor can a compromised Department credibly review its own failures. Oversight must now be escalated through **independent, transparent mechanisms**. We, therefore, call on Parliament – and where necessary, the Presidency – to initiate one or more of the following pathways:

Option 1: Urgent Public Hearings

We call on the Portfolio Committee to convene urgent public hearings into the crisis at DSAC. These hearings must allow artists, institutions, and stakeholders to testify – publicly and on record – regarding the collapse of funding pipelines, governance breakdowns, board manipulation, and sectoral exclusion.

Public hearings are the **fastest path to visibility and formal questioning**, and will serve as an immediate pressure point for accountability. However, hearings alone are insufficient to deliver institutional redress.

Option 2: Full Parliamentary Inquiry

We further call for a **Parliamentary Inquiry** into the Department of Sport, Arts and Culture – including its leadership, funding structures, and patterns of administrative and ethical misconduct.

A formal inquiry would allow for:

- Compelled testimony under oath,
- Detailed findings and recommendations,
- Public scrutiny of the Minister's conduct and departmental capture.

This option ensures stronger accountability than hearings and allows Parliament to assert its constitutional role in safeguarding public administration.

Option 3: Presidential Commission of Inquiry

Should parliamentary mechanisms be delayed or politically obstructed, we will escalate our call for a **Presidential Commission of Inquiry** into DSAC.

This would constitute the highest-level oversight mechanism, comparable to the Zondo Commission, with the authority to:

- Investigate systemic governance failure,
- Recommend criminal or disciplinary sanctions,
- Propose structural reform to prevent future abuse.

While slower to implement, this option signals that the cultural sector crisis is not peripheral – it is a matter of national governance failure that merits executive-level intervention.

Additional Oversight Mechanisms

- **SCOPA (Standing Committee on Public Accounts)** must be engaged to investigate financial mismanagement and irregular expenditure within DSAC.
- The **Public Protector** must investigate maladministration and abuse of power.
- Parliament's **Ethics Committee** must initiate a formal review of the Minister's conduct.

Accountability Must Be Enforced

This behaviour is not only a violation of governance ethics – it is a symbol of misplaced focus and wilful neglect. While incubator programmes stall, community arts centres decay, and institutions sit underfunded and misdirected. This is not merely dysfunction. It is dereliction.

This disregard and disrespect toward the sector is systemic. It extends from ministerial misconduct to the highest office in the land.

In the 2025 State of the Nation Address, the creative industries received no meaningful recognition – only a vague reference to “burgeoning creative industries,” with no plan, no vision, and no commitment.

While the sector collapses, institutions decay, artists are unemployed, and institutions are leaderless and workers are cast aside, the Presidency's silence is not just negligent – the

Presidency's failure to acknowledge the industry reflects a deeper symbolic and material disrespect. It is a symbolic and material erasure of our role in this Republic. It is a clear signal that the creative economy – and the millions who work within it – are invisible in South Africa's political and policy imagination.

This persistent failure to take the sector seriously is not just a governance issue – it is a profound act of disrespect.

- Arts and culture is not a subcommittee of sport.
- The two portfolios must be immediately separated, with a competent and sector-informed Minister appointed to lead cultural development.

II. FUNDING SABOTAGE AND INSTITUTIONAL DECAY

A. THE MGE CRISIS: A CASE STUDY IN RECKLESS GOVERNANCE

The Mzansi Golden Economy (MGE) programme –designed as a catalytic engine for the creative economy –has been brought to the brink of collapse through reckless and unlawful administrative conduct by the Department of Sport, Arts and Culture (DSAC). The January 2025 cancellation of the MGE funding call, done without consultation or explanation, caused more than administrative inconvenience. It destabilised national planning frameworks, shut down productions, cancelled community events, and financially devastated hundreds of artists and organisations.

The decision was taken unilaterally, in violation of constitutional and administrative law, and with no regard for its human or economic impact. It exemplifies a growing pattern in the Department: decision-making devoid of process, legal misinterpretations elevated to policy, and a consistent disregard for the statutory rights of sector participants.

Most egregiously, the Department went on to disqualify all NPC (non-profit company) applicants on the basis of a false interpretation of the NPO Act –insisting that NPCs must be registered with the Department of Social Development (DSD) to qualify for funding, despite no such requirement existing in law. This error reveals not only a failure of internal legal capacity, but also a profound ignorance of the frameworks that govern public benefit entities in South Africa.

This is not merely mismanagement. It is a violation of public trust –and it sets a dangerous precedent. Government funding must not be used as a tool of exclusion, political patronage, or bureaucratic gatekeeping. It must be administered with fairness, lawfulness, and a deep understanding of the social and economic ecosystems it is meant to serve.

What is at Stake

What has been dismantled is not a marginal or symbolic programme. South Africa's cultural and creative economy supports over 1 million livelihoods and contributes R74 billion to GDP. It is a development sector, a jobs engine, and a pillar of our global soft power.

The arbitrary suspension of funding, the unlawful rewriting of eligibility rules, and the refusal to consult affected communities has placed thousands of artists at risk and compromised constitutional values of equality, dignity, and economic access.

Presidential Safeguards are Urgently Needed

To protect the sector and prevent future abuses of executive power, **we call on the Presidency to:**

- a) **Institute Presidential Oversight over Emergency Recovery of the MGE Process:** Mandate the publication of all 2025 MGE application outcomes and instruct the DSAC to reinstate all NPC applicants wrongfully disqualified, with legal compliance and fairness restored as guiding principles.
- b) **Publicly Reaffirm the Legal Status of NPCs:** Direct the DSAC to issue a formal correction and public clarification that NPCs are legally recognised public benefit entities and are eligible for state funding unless lawfully found to be non-compliant.
- c) **Commission an Independent Legal and Administrative Review** Appoint an independent body to audit DSAC's interpretation of legislation and policy implementation capacity, particularly with respect to the NPO Act, PAJA, and public finance laws governing cultural funding.
- d) **Mandate the Co-Development of a New Sector Funding Framework** Instruct DSAC to co-design a revised MGE framework with representative sector bodies, under a presidential directive, ensuring future processes are consultative, lawful, and procedurally fair.
- e) **Suspend Discretionary Power to Alter Eligibility Criteria without Public Review:** Require all future funding calls –including MGE and others –to be published with draft guidelines, subjected to public comment, and certified against existing statutory frameworks.
- f) **Establish an Inter-Ministerial Safeguard on Cultural Sector Governance:** Create a cross-departmental mechanism involving the Presidency, National Treasury, and DSD to oversee eligibility policy, funding fairness, and cross-sectoral integration of non-profit entities in national development goals.

A Line Must Be Drawn

The MGE crisis is a symptom of a deeper collapse of accountability in the governance of arts and culture. Ministerial discretion is being exercised without regard for law or sector reality. Technical ignorance is masquerading as authority. And the consequences are being borne by the poorest and most precarious workers in our society.

South Africa cannot afford governance by whim in any sector – least of all one that carries the social, economic, and diplomatic weight of the creative industries. The Presidency must act to draw a clear line: never again should an entire funding programme be cancelled overnight, without reasons, consultation, or legal basis.

Thousands of lives were disrupted. Institutions destabilised. Trust destroyed.

We ask the President to intervene –not only to resolve this crisis –but to restore a principle of lawful, ethical, and developmental governance in the cultural and creative sector.

B. BUDGET CUTS, INSTITUTIONAL AND PROGRAMME COLLAPSES AND THE ABSENCE OF PROTECTIVE POLICY

Critical institutions in the cultural sector –our theatres and venues, institutions, community arts centres, public venues, training hubs, art galleries, museums, and long-standing development programmes –have been defunded or destabilised without warning, explanation, or process in most cases. In some cases, organisations only discovered they had been excluded when payments stopped or contracts lapsed.

These are not isolated errors. They reveal a pattern: decisions that carry enormous public impact are being taken behind closed doors, with no published criteria, no consultation, and no accountability.

Public money is being moved off-budgeted programmes into initiatives that appear untraceable, untested, and politically expedient. With no rules or transparency in place, the result is an environment where structural funding can be withdrawn overnight, and new platforms launched at will –without any external checks.

The consequences are widespread: organisations are silenced by exclusion, institutions are hollowed out, and creatives are left with no recourse. What is being lost is not simply money, but trust, continuity, and the sector’s ability to plan and survive.

Presidential Intervention Is Urgently Required

We are not asking for funding promises. We are asking for rules.

Only the Presidency can halt this trajectory of discretionary governance by instituting safeguards that ensure public funds are governed by fairness, not favour.

We therefore call for:

- **Immediate restoration** of funding to affected institutions and programme partners defunded without process since 2023.
- **A moratorium** on new DSAC-led discretionary platforms, unless developed through public consultation, aligned with strategic plans, and backed by formal needs assessments.
- **A full public audit** –led by the Auditor-General and Treasury –into programme reallocation decisions, procurement patterns, and the use of funds under new Minister-led initiatives.
- **Mandatory public disclosure** of all DSAC budget changes and new beneficiary appointments since 2023, including itemised spend, rationale, and procurement outcomes. Given that DSAC administers public funds, all budget allocations and programme changes must be subject to public scrutiny. Transparency is not only a constitutional obligation under Sections 195 and 217 –it is a critical safeguard against abuse. Making this information public helps deter irregularities, restores trust in government institutions, and

ensures that funding decisions are fair, justifiable, and aligned with national development goals. Without transparency, public confidence erodes, and the entire funding system becomes vulnerable to manipulation, exclusion, and inequity.

- **A Presidential directive** to co-develop a national safeguard framework, requiring:
 - Written criteria for funding decisions and reallocations;
 - Internal protections against retaliation or exclusion;
 - A grievance mechanism for those defunded without cause;
 - Public justification for any structural programme cuts.

This is no longer a question of poor planning. It is a structural breakdown in governance.

We ask the President to act – to ensure that no future Minister can collapse institutions, silence voices, or redirect millions without consequence. The cultural sector cannot be held hostage to personal discretion. What is needed now is transparency, lawfulness, and the restoration of institutional protection.

C. INSTITUTIONAL DECAY

DSAC and its entities have been engulfed in a relentless wave of scandals, exposing a culture of corruption, mismanagement, and impunity at every level. The Mzansi National Philharmonic Orchestra (MNPO) has received **R68 million in public funds** since 2022, yet key details of its spending—including the CEO’s salary, payments to international artists, and grant allocations—remain undisclosed. The MNPO was created through a process lacking transparency, with the **DSAC driving its inclusion in the White Paper without broad sector consultation and later facilitating a direct funding agreement with the NAC that bypassed standard oversight and competitive processes. The DSAC, under Minister Nathi Mthethwa, drove the process, appointing the MNPO’s CEO and board and allocating R1 million for a feasibility study, the results of which have not been publicly disclosed.**

The Auditor-General flagged inadequate oversight and potential conflicts of interest, as the MNPO’s CEO simultaneously leads other orchestras that benefit from its grants, all while parliamentary and public demands for transparency are ignored.

That CEO is still a board member of the NAC.

Meanwhile, the NAC has lurched from one crisis to another: a forensic audit revealed **gross mismanagement of R285 million** in COVID-19 relief funds, with the Council overcommitting more than double the available amount, causing delayed payments and sector-wide hardship. The NAC’s leadership vacuum - **no permanent CEO since 2021, recurring acting appointments, and allegations of fraud** - has left the institution adrift and artists destitute.

In KwaZulu-Natal, the DSAC is under Special Investigating Unit (SIU) probe for a litany of abuses, including the notorious R4 million “booze bash,” irregular library contracts, and millions wasted on undelivered goods, laptops, and inflated consultant fees—symptomatic of a department where looting, not service, is the norm.

These are just two examples of *many* we could name as they are not isolated incidents but evidence of **a systemic rot: DSAC executives and boards are recycled through patronage networks, oversight is routinely bypassed, and**

consequence management is nonexistent. The result is a sector devastated by financial abuse, institutional collapse, and the erasure of public trust-while those responsible remain shielded by political connections and a culture of impunity. These issues collectively underscore a pattern of mismanagement, lack of accountability, and **possible corruption within both the DSAC's oversight of arts funding and within its institutions. This pattern of mismanagement reflects a systemic issue within DSAC, where financial oversight mechanisms have failed, and accountability is lacking.**

III. ELITE CAPTURE: A PORTFOLIO OF THE CONNECTED

We present evidence of board capture through a network of recycled elites. The following individuals dominate multiple boards with no competitive or transparent public process: At the centre of the web are **seven individuals, a core cluster of interlocking individuals**, whose names appear repeatedly across different boards:

Name	Entities Appointed To
Saudi (Saudah) Hamid	Chairperson of NFVF, also serves on Boxing SA Board
Mthokozisi Radebe	Deputy Chair & HR Chair of NFVF, also sits on Boxing SA Board
Vincent Blennies	CEO of NFVF, also sits on Boxing SA Board
Sydney James	Member of NFVF and Boxing SA Board
Simon Clarke	Member of NFVF and NAC; also Chair of Joburg Roads Agency Board
Omphemetse Mokgosi	Member of NFVF, NAC, and Joburg Roads Agency Board
Siphosethu Mtamzeli	Member of NFVF and NAC Boards

The visual mapping and table below reveals a tight, overlapping network of individuals repeatedly appointed across multiple public entities under the portfolio of the Department of Sport, Arts and Culture and related agencies. Far from being coincidental, this interlocking web of board appointments reflects a deliberate pattern of elite recycling and strategic placement, raising serious concerns about governance integrity, independence, and political capture.

In addition, **the new NFVF CEO was interviewed by his fellow board members from Boxing SA who should have completely recused themselves** from the process in this case. **The Company Secretary did not enforce such transparent governance processes.**

If a Minister is advertising public board vacancies (as required by good governance or law) but still appointing the same group of people repeatedly, it suggests the process is technically compliant but substantively manipulative — a façade of transparency that masks patronage, cronyism, or undue control. Here's what this pattern signals, and why it's deeply problematic:

1. *Reappointing the same people across different boards* concentrates power, bypasses broader talent, and may entrench a network of loyalty to the Minister instead of to the state or public. This is often referred to as "elite circulation" or "board capture", and it:

- Undermines independence,
- Weakens checks and balances,
- Erodes trust in state institutions.

2. *Conflict of Interest and Board Interlocks*

Even if individuals are qualified, repeatedly appointing them across entities creates systemic risks:

- Conflicted decision-making where entities have overlapping mandates.
- Lack of fresh thinking or critical challenge.
- Overburdened directors who can't properly serve all mandates.

3. *Violation of Public Trust and Democratic Principles*

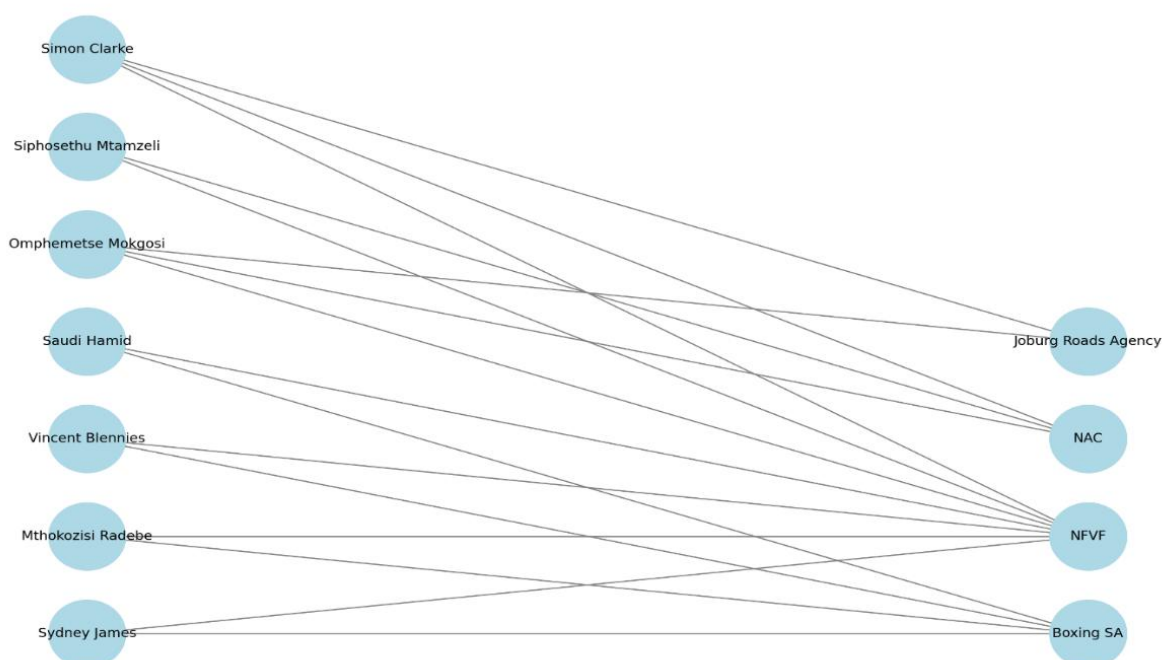
It signals to the public that:

- The process is rigged,
- Merit doesn't matter,
- And public boards are not genuinely accessible.

This damages legitimacy, discourages talented applicants, and fuels perceptions of corruption — even if no money is directly misused.

In short: advertising board positions but stacking them with insiders is a governance smokescreen — legal form without ethical substance.

We are still waiting to call the Minister to account.



IV. **EXCLUSION OF CREATIVES WITH DISABILITIES: A HUMAN RIGHTS FAILURE**

Despite South Africa's commitments under the Constitution, the White Paper on the Rights of Persons with Disabilities (2015), and the UN Convention on the Rights of Persons with Disabilities (UNCRPD), artists and creatives with disabilities remain systematically excluded from participation in the cultural economy.

Audition and funding processes are structurally inaccessible. Roles written for persons with disabilities are routinely handed to able-bodied actors. Digital applications remain the norm, yet no meaningful accommodations are made for those with visual, hearing, mobility, or cognitive disabilities. Creatives with disabilities are forced to wait for ‘tailored roles’ rather than being allowed to audition or compete equitably.

This is not only a violation of rights. It is a failure of imagination, inclusion, and justice – and a breach of South Africa’s obligations under national and international law.

V. LEGAL AND CONSTITUTIONAL BREACHES

The Minister’s repeated appointment of the same individuals across multiple public boards has far-reaching legal and ethical implications.

Law / Framework	Relevant Clause	Minister’s Action or Failure	Interpretation and Implication
NFVF Act	Section 13(4)	Appointed Acting CEOs unilaterally (e.g., Mogoera, Tshikwatamba) without NFVF Council approval.	Statutory breach. Only the Council is empowered to designate an Acting CEO. Ministerial appointments without Council approval are unlawful.
Public Finance Management Act (PFMA)	Section 51	Dissolved the NFVF Council prematurely, leaving the institution without an accounting authority for a prolonged period.	Breach of fiduciary governance. Public entities must always have a functioning accounting authority. Creates audit and financial compliance risks.
Law / Framework	Relevant Clause	Minister’s Action or Failure	Interpretation and Implication
Executive Ethics Code	Clause 1.4.1	Repeatedly appointed a small, politically aligned group to multiple unrelated public boards — some with fabricated or inflated credentials.	Improper use of office for the benefit of associated persons. This violates the ethical duty of impartiality expected of Members of the Executive.
Labour Relations Act	Section 186(2)(b)	Suspended Ms. Thobela Mayinje from the NFVF without charge for over eight months, without due process or disciplinary resolution.	Constitutes an unfair labour practice. A prolonged suspension with no charges violates the employee’s right to fair labour procedures.

Law / Framework	Relevant Clause	Minister's Action or Failure	Interpretation and Implication
PAJA (Promotion of Administrative Justice Act)	Section 6(2)(e)(iii)	Appointed individuals to public boards in a pattern that suggests political loyalty and control were prioritised over skill, independence, or institutional purpose.	The power to appoint was exercised with an ulterior purpose — namely, consolidating control — and is therefore reviewable as administratively improper under PAJA.
Constitution of South Africa	Section 195	Failed to ensure that public appointments were broadly representative, transparent, or merit-based. Recycled insiders, suppressed CVs, and centralised control.	Violates foundational principles of public administration. Undermines fairness, integrity, and trust in public institutions.
Ministerial Handbook	Clause 1.2	Demonstrated disregard for democratic values, ethical governance, and high standards of integrity through repeated recycling of insiders.	Contravenes the duty of Ministers to act impartially and ethically in accordance with public service values.
Ministerial Handbook	Clause 1.3.1	Undermined public confidence through opaque board processes, alleged bio fabrication, and governance manipulation.	Ministers must inspire public confidence. Repetition of insiders erodes legitimacy and violates the spirit of executive accountability.
Ministerial Handbook	Clause 1.4.1	Enabled improper benefit to associates by placing them in multiple positions of power.	Violates prohibition on using office to improperly benefit any person or body connected to the Minister.
Ministerial Handbook	Clause 9	Failed to ensure that board appointments were transparent, accountable, and aligned to public interest mandates.	Ministers are required to uphold institutional independence and competence. Actions taken indicate disregard for these obligations.

While not law, **King IV** remains the definitive standard of governance in South Africa. It warns strongly against excessive board interlocks and recycling of directors, emphasising the need for:

- Board independence and diversity
- Sectoral relevance and skill-based appointments
- Transparency, fairness, and avoidance of conflicts of interest.

The pattern observed in the Minister's appointments contravenes the spirit and principles of King IV, particularly in failing to safeguard institutional credibility and decision-making integrity. In a governance context, King IV violations are a red flag to investors, auditors, and global partners.

Collectively, these frameworks make it clear: this is not merely poor judgment or insider politics. This conduct is incompatible with democratic governance and must be addressed by this Committee as a matter of constitutional urgency. It is a pattern of conduct that undermines the rule of law, weakens public institutions, and demands urgent accountability. Each of these breaches not only undermines institutional integrity but may warrant independent investigation, legal challenge, or sanction under applicable laws.

VI. REINFORCING THE CONSTITUTIONAL AND GLOBAL MANDATE

This crisis also represents a direct failure to uphold South Africa's broader national and international development obligations.

The Presidency cannot credibly claim progress on transformation, inclusion, or innovation while presiding over the collapse of one of the most dynamic, diverse, and youth-driven sectors of the economy. The marginalisation of the creative industries undermines the core objectives of:

- The National Development Plan (NDP 2030), which calls for cultural and creative sector investment to drive inclusive growth;
- The creative sector is one of the top potential employers of youth – and that abandoning it contradicts youth employment goals. With over two-thirds of practitioners under 35, dismantling this sector directly contradicts the NDP's call to address youth unemployment through innovation and cultural entrepreneurship;
- The African Union's Agenda 2063, which identifies cultural heritage and creative industries as key to the continent's renaissance;
- The United Nations 2030 Sustainable Development Goals (SDGs), particularly SDG 8 (Decent Work and Economic Growth), SDG 10 (Reduced Inequalities), and SDG 11 (Sustainable Cities and Communities);
- UNESCO's 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, to which South Africa is a signatory.

This is not simply a departmental failure. **It is a systemic breach of this administration's national and global obligations.** The Presidency **must** act – not only to restore the cultural sector – but to restore public trust, democratic legitimacy, and constitutional accountability.

CONSEQUENCES OF INACTION

If these demands are not met by **30 June 2025**:

- **Nationwide protests and sector strikes** from 1 August 2025.
- **Legal escalation** to the Public Protector, SCOPA, and SIU, with evidence of maladministration and corruption.
- **International exposure** via UNESCO, the UN Special Rapporteur, and the African Commission on Human and Peoples' Rights.
- **Global investor alerts** on risks of engaging with a politically captured sector.

VII. THE ROLE OF THE PRESIDENCY: FROM DISTANCE TO DECISION

The Presidency cannot remain above the fray while:

- Institutions collapse;
- Ministers humiliate practitioners on social media;
- Appointees are rewarded for loyalty over competence;
- Public trust is shredded.

Mr. President, the cultural and creative industries are not peripheral sectors; they are central to South Africa's economic vitality, social cohesion, and international identity. The data is unequivocal: CCIs contribute significantly to our GDP and employment. Yet, they are

being systematically undermined through neglect, mismanagement, and political interference.

This memorandum is not merely a list of grievances; it is a clarion call for immediate and decisive action.

We urge the Presidency to:

1. **Acknowledge** the critical role of CCIs in national development.
2. **Intervene** to halt the ongoing mismanagement and restore integrity to the sector.
3. **Invest** in sustainable policies and funding mechanisms that empower creatives and protect our cultural heritage.

Failure to act will not only result in the erosion of a vital economic sector but also in the loss of our cultural identity and global standing.

We do not seek a meeting. **We demand structural change.**

This crisis is unfolding under your leadership, Mr President

YOU are the custodian of this Republic.

Let it not be said that under your Presidency, South Africa abandoned its artists and erased its own cultural legacy.

History will remember whether you stood by or stood up.

ENDORSEMENTS

This memorandum is endorsed by a united coalition of cultural and creative sector organisations (*in alphabetical order*), including but not limited to:

- AESA (Association of Entertainers of SA) – Advocacy platform for entertainers and performers;
- CCIFSA (Cultural and Creative Industries Federation of SA – an umbrella body for various creative industry sector stakeholders;
- CCIGA (Cultural and Creative Industries Guild of Africa) – Creative Practitioners Union Sectoral union representing creative workers;
- CSTAHOOD Foundation – Cultural/spiritual sisterhood platform advancing community healing and women's voices;
- I Am For The Arts
- SAAAA (South African Association of Arts Administrators);
- SAACYF (South African Arts and Culture Youth Forum) – youth –led cultural movement
- SACMA (South African Choral Music Association) – a national choral body;
- SACPU (South African Creative Practitioners Union);
- SALF (South African Legends Forum)
- SAMIC (South African Music Industry Council);
- SAPG (South African Poets Guild) – a body of performance poets and spoken word artists;
- TCF (Tap & Clap Federation) – a federation representing traditional music forms.
- TUMSA - Trade Union for Musicians of South Africa

It is further endorsed by thousands of South Africans –content consumers, culture workers, and conscience bearers –who stand for creative dignity.

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APPENDIX: DETAILED LEGAL , POLICY AND ETHICAL BREACHES

1. Constitutional and Administrative Law Violations

- **Section 195 of the Constitution:** Public administration must be governed by democratic values and principles such as transparency, accountability, and merit-based appointments. These have been systematically violated through cronyism, recycled appointments, and opaque processes.
- **Promotion of Administrative Justice Act (PAJA), Section 6(2)(e)(iii):** The Minister has exercised public powers with an ulterior political purpose – appointing loyalists instead of qualified, independent professionals. This is administratively irrational and reviewable by the courts.
- **NFVF Act, Section 13(4):** The unilateral appointment of Acting CEOs without NFVF Council approval is a direct statutory breach. Only the Council holds this authority.

2. Financial Governance and Mismanagement

- **Public Finance Management Act (PFMA), Section 51:** The premature dissolution of the NFVF Council left the institution without an accounting authority, compromising financial oversight and creating audit risks.
- **Labour Relations Act, Section 186(2)(b):** Prolonged suspension of NFVF staff without charge constitutes an unfair labour practice and denies employees procedural fairness.

3. Executive Conduct and Abuse of Office

Executive Ethics Code, Clause 1.4.1: The Minister has enabled improper benefit by repeatedly appointing the same insiders across unrelated boards – some with inflated or fabricated CVs. This violates the ethical duty of impartiality.

Ministerial Handbook, Clauses 1.2, 1.3.1, 1.4.1, and 9:

- Demonstrated disregard for democratic and ethical governance.
- Recycled political loyalists.
- Undermined public confidence and institutional legitimacy.
- Failed to ensure transparency and sectoral relevance in appointments.

The Minister's conduct also contravenes the spirit and intent of the **Zondo Commission's** findings, which warned against patronage networks and board capture in SOEs and public entities.

4. Disability Rights and Inclusion Obligations

- **The White Paper on the Rights of Persons with Disabilities (2015):** No meaningful implementation across DSAC platforms; no disability desk, casting equity, or inclusive infrastructure.
- **United Nations Convention on the Rights of Persons with Disabilities (UNCRPD):** South Africa's international obligations under the UNCRPD have been violated by exclusionary practices and lack of proactive inclusion.

5. International Cultural and Development Frameworks

- **UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions:** The dismantling of public cultural infrastructure and failure to support sectoral development violates this treaty.

- **National Development Plan (NDP 2030), African Union Agenda 2063, and SDG 8/10/11:** The weakening of the creative sector undermines national transformation targets, inclusive growth goals, and South Africa's commitments under the AU and UN frameworks.

6. Governance Principles (Non-Binding but Authoritative)

King IV Code of Corporate Governance:

- Emphasises independence, diversity, and sectoral relevance in board appointments.
- Warns against board interlocks and director recycling.
- Promotes transparent, ethical, and fair governance.

The Minister's conduct violates nearly every aspect of the King IV standard, posing reputational risk to public institutions and undermining investor and public trust.

- 7. UNESCO 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions.**
- 8. United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), ratified by South Africa in 2007.**
- 9. National Development Plan 2030 (NDP): Chapter 15 – Transforming society and uniting the country.**
- 10. African Union Agenda 2063: Aspiration 5 – Africa with a strong cultural identity, common heritage, values and ethics.**
- 11. United Nations Sustainable Development Goals (SDGs): SDG 8, 10, and 11.**