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'Truth is often less sexy than sensation'

A second look

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Was Ashwin Desai banned or was his contract terminated by mutual agreement? Is this case about an attack on academic freedom or is it about the way the new university is governed?

The reader would not know for the "debate" on this matter has shed more heat than light.

This matter of Desai and myself, the vice-chancellor of the University of KwaZulu Natal, has occupied the Internet, the radio and print media. As a story it has illustrated adequately how distortions, misinformation and how "the louder-you-shout" approach can rapidly spread to become statements of fact and shape the parameters of a debate in an unsuspecting public.

It has also illustrated well how the manipulation of the media and the use of incorrect information can galvanize even the most brilliant of the world's minds to lose sight of simple facts, principles, ethics and integrity- the very foundations of academic freedom.

New forms of the media have become, among others, the "opiate" of the weak and disgruntled forces globally.

Take that unknown but self-appointed committee called [Committee for Academic Freedom in Africa]; it is led by non-Africans, living out of Africa, not in touch with all listening to Africans and their plight, but pontificating upon, acting on behalf of, and defending some anonymous Africans from the comforts of their armchairs in some distant corner of New York.

They have started an e-mail petition in defense of Desai that has been picked up in South Africa without any South African journalist questioning the standing of the organization or asking its representatives how they came to take their stand.

The Desai issue has been portrayed in the media as an issue of, and about, academic freedom. Nothing could be further from the truth.

A good academic, Desai faced serious misconduct charges as a result of his own actions, actions that, in the findings of the Gautschi commission, threatened to the academic freedoms of others. That he, by a "mutual Council-approved agreement,

and in the interest of the University", allowed this freedom to be negotiated and taken away should not be used by others, nor should he be allowed to reclaim this, through false arguments or ethical processes.

Desai has not responded to a written request from me to lift the confidentiality clause that was part of the agreement that he entered into with the university. It would seem that therefore that he wishes of the university to remain bound by its side of this agreement while he is released from his side.

I believe that such permission from Desai would clear up this issue quickly and I hope he will grant permission to reveal the context of the settlement.

Universities are about the pursuit of truth; it is the truth that must become the basis and guiding light of a debate, truth in "its most naked and original form" for all to read, interpret and shape.

Unfortunately, the public has been denied this, and instead subjected to unfortunate debate through poor journalism, poor ethics within journalism and poor investigative and analytical skills of our journalists.

Through them, you would never know that the issue of Desai is about good corporate governance and evolution of this within the university system. It is about how the various legitimate structures such as council, the executive, the senate, the institutional forum and the student representative council balance and play out their roles and their powers effectively in the interests of upholding good governance, compatible with the values and aspirations of the new South Africa.

In the case of the University of KwaZulu Natal it is also about how two previous cultures of governance are woven together and regulated ethically and with integrity to lay the foundation for a new university.

My vision is a university of quality, excellence and sound ethics for the future, a university whose role it is to develop and nurture African scholarship and future citizens of our country and the globe. The vigilance of all the structures, but particularly of council, in the history and creation of this new ethos of governance is paramount. I am being asked to override counsel; I will not do so.

The newuniversity inherited, among others, disparate, dated and uncompetitive conditions of service and a pernicious culture of patronage in which cliques, or the so-called "untouchables", used public resources and the protected space created within the university to strike deals, make decisions informally, irregularly and often without record-keeping -- breaching many procedures for the benefit of and furtherance of each other's interests and the chosen few. It was an alleged "mafia".

In this milieu the poor, the disadvantaged and equity suffered. Now such "mafia" tactics of held out as legitimate practice.

The notion that a lawful council agreement can be superseded by an informal newspaper statement to bind a university to a course of action is deeply regressive. The idea that in a modern South African University of vice-chancellor can unilaterally make material public pronouncements that legally bind the university, without the knowledge, involvement, advice or reflection of council, senate, the executive or the institutional forum, is most frightening, and a great threat to the institution that is the university.

Let me refresh readers' minds about the Desai issue.

Professor Mapule Ramashala, while vice chancellor of the University of Durban-Westville was delegated by the council to resolve ongoing tensions and reached a settlement with Desai. The vice chancellor, who is alleged to have "revoked" this agreement, is her successor Dr.Saths Cooper. No written record or minutes of this "revoking" can be traced all found in any of the university's structures or committees, though I have sought this information painstakingly.

I am deeply saddened that this issue, which is only about university governance, has become racialized and debated narrowly in the media, using a set of hand-picked journalists and (Indian) commentators. Other (African) journalists have not been given information and have in fact been abused when they began to ask the awkward questions about the settlement and the alleged revocation thereof by the university council.

In this simplistic and unsophisticated media analysis Cooper, Desai, Krish Govender (former deputy chair of the University of Durban Westville), Adam Habib (former director of the Center for civil society) and Fazel Khan (University of KwaZulu Natal sociologist) are ethnicised as an anti-African Indian cabal, while Namane Magau, Makgoba and Ramashala are presented as Africanists and therefore anti-Indian. Is any one of us truly reducible to these one-dimensional stereotypes?

This racialized approach has the propensity to induce guilt and thus drive us all into papering over profound issues rapidly and in an unprincipled way in the name of and for the sake of a hallowed national reconciliation. We are so wrong and those that inherit our Earth will have nothing but contempt for this approach.

Then there are the media's factual inaccuracies that hide the truth and may in fact amount to character assassination, defamation and divisiveness.

Let me use one example in the *Mail & Guardian* ("Rhodes grabs barred Desai", January 27). David Macfarlane wrote that: "After he obtained a Human Sciences

Research Council grant to research race and redress in South African sport, Makgoba instructed the CCS [Centre for Civil Society] that the position should be advertised, and told Desai he needed to resign his fellowship to be eligible to apply. The CCS and Desai duly complied."

These so-called "facts" were not verified nor cross-referenced with me or my office. They were written as matters of fact and without qualification.

Secondly, as reported accurately by Chris Barron in the *Sunday Times* and recorded in a report by the chair of the selection committee, I was approached by the chair of the selection committee for advice on the "legal status of Dr. Desai's 1998 contract". This was long after the position was advertised. I was never in contact with the CCS and could not therefore "instruct" them as reported.

Up until this time, I was rightly not even aware of the existence of such a position or process within the university as this is a matter far removed from my jurisdiction. I do not get involved with advertisements for staff positions or academic appointments which the school, faculty or college preside upon. I have full confidence in the procedures and processes of the university.

The last time I had a conversation with Dr. Desai was in February 2004 in my office. I therefore could not have told Desai to resign his fellowship. Whoever is the source of the statements is obviously up to mischief-making and the purpose is to build up the false case that I do not want Desai at the university. That is not true; all I want is proper governance of a new institution being shaped for a proud African future.

The media, in their zeal for sensation and headlines, breached many of their own basic rules. The truth is often not as sexy as sensation: for example, the media insist that Desai was banned from the university when in fact his employment was terminated by consent. In the process, and emotional rather than a rational debate in student but missed the central point: university governance and the type of university we so need in South Africa.

Like the seasons of the year, the Desai issue will pass, and no amount of shouting from the rooftops, from any corner of the world, from any organ of the media, or from any narrow-minded ultra-leftist, will detract from the university's focus.