

Committee on Academic Freedom in Africa responds to Makgoba

January 26, 2006

Professor M.W. Makgoba
Howard College Campus
University of KwaZulu-Natal
Durban 4000
South Africa

Dear Professor Makgoba:

Thank you for your three emails, dated January 21 and 22, in response to the letter I sent you on behalf of the Committee on Academic Freedom in Africa (CAFA) on January 20.

We continue to believe that your instruction that Dr. Ashwin Desai not be considered for paid or honorary positions at the University of KwaZulu-Natal is a violation of an essential principle of academic freedom. It is difficult for us to judge whether your request that Dr. Desai re-apply to the university is a step toward reversing this, as it is not clear whether you've asked him to re-apply for the positions from which he was previously excluded.

You say that we have elected not to read the agreement between Dr. Desai and UDW (concluded, as you point out, in 1998). We have never refused to read that agreement or any other documentation. But we believe that, even if it conforms exactly to your account of it, it still does not provide a basis for excluding Dr Desai from consideration for academic employment at UKZN.

You ask whether academic freedom operates above the laws of a country. We do not believe that the question of whether academic freedom has been violated can be answered by saying that the law requires one course of action or another. It has frequently happened, not least in apartheid South Africa, that violations of academic freedom have had the sanction of law. They were violations nonetheless. In this case, it is not clear that any specific law requires you (or the council of UKZN) to prevent your colleagues from considering Dr Desai's application for a research position or his nomination as an honorary fellow of the Centre for Civil Society.

As we said in our previous letter, the matter concerns not only Dr. Desai as an individual. The action taken against him establishes a principle which threatens academic freedom in your university as a whole, in South Africa, and more widely. For that reason we continue to hope that you will take whatever steps are necessary to reverse it.

Sincerely,

Prof. George Caffentzis for the Committee for Academic Freedom in Africa editorial board