

COMSA reply to Prof Makgoba.

Dear Prof. Makgoba

Thank you for your last letter regarding the case of Dr Desai.

The tone has taken us aback; it does not lead to the speedy resolution of this matter. It is obvious that you believe that those calling for the unbanning of Dr Desai have been misled, while you persist with technicist []. We strongly believe that you must be aware that this approach is hardly convincing to the university or the international community.

There are reasons why, even after reading your version, those supporting Dr Desai, for instance in the Committee for Academic Freedom in Africa, are unmoved. First, you have failed to address the argument that Dr. Cooper's unbanning of Dr Desai (and the UDW Council's evident consonance with this decision), has long put paid to the so-called agreement that Dr Desai not work at the University. We call on you to explain with proper particularity why you do not consider yourself bound by this lawful outcome.

Second, while claiming to need to take this matter to Council, you continue to evade the pertinent question of whether you, as the Vice Chancellor, are in favour of the Desai agreement being abandoned by UKZN or not. This is a human rights question not something that can be explained away using contract law. It is within the latter discourse that you have sought to make your public stand, but unconvincingly.

Third, you have succeeded in getting tangled up in your own technical snares when you purport to revoke an inherent term of the agreement with Dr Desai, (relating to confidentiality), and then ask Dr Desai to consent to a similar variation from his side. On your previous logic, you need Council's consent to even consider tampering with the "irrevocable" agreement you have with Dr Desai. We would be much obliged if you could tell us when, between the week before last when the agreement was still so irrevocable in the hands of mere management and last week when you began voluntarily distancing the University from certain of its clauses, the UKZN Council was convened to give you the power to do so. Or, have you realised, as Dr Cooper did, that it is well within your power to take a principled, moral and intellectual position on the banning agreement as a whole and to abandon whatever rights UKZN may have in terms of it? We urge you, Professor, to be decisive on the matter.

This matter has gone on long enough at some cost to the intellectual capital of the institution. We sincerely hope that you will desist, for the good of the University, in trying to smother the justifiable outrage at Dr Desai's treatment with process solutions and technical arguments that, as we have seen, collapse in your hands under their own unsupportable weight. It does no credit at all to the intellectual reputation of the University, in which we all have a stake, when its most senior custodian produces the quality of arguments you have, not for the first time, seen fit to send into the academic and intellectual world.

The Desai affair has cost the university dearly. It is up to you to put the past to rest and move towards the future, together

Yours faithfully

EVAN MANTZARIS
COMSA - PRESIDENT