

UNIVERSITY OF NATAL



STATEMENT

by P. de V. Booysen, Vice Chancellor and Principal and Chairman of the Senate
G. C. Cox Chairman of the Council

"On 19th October 1987, the ministers of state responsible for educational matters in South Africa, purporting to act in terms of certain provisions of general legislation relating to universities, imposed certain conditions on South African universities and indicated that non-compliance with them could lead to the withdrawal of state subsidies. Though on the surface these conditions appear to be concerned with the maintenance of normal university functions such as teaching and research and with the proper use of public funds, in effect they seek to constitute the universities as the enforcement agencies, both on and off their campuses, for some of the most objectionable provisions of the government's security legislation and to extend political control to the university campuses."

"The laws which the universities are required to enforce on pain of withdrawal of state subsidies, indiscriminately modify basic rights (including rights vital for the proper functioning of a university), invest public officials with vast and unchecked powers, provide for the suppression of political dissent and abolish hallowed procedures and safeguards for the protection of citizens against injustice. It is implicit in the conditions that the criterion for ministerial action to withdraw subsidies is the extent to which the universities are willing and able to enforce these contentious laws and **not** the extent to which they are successfully carrying out their educational objectives and fiscal responsibilities."

"The University of Natal, through its Senate and Council, has declared its opposition to the ministerial conditions and its inability to acquiesce in them. Notwithstanding the disturbed societal conditions that surround it, the university has maintained an internationally recognised record of scholarly achievement. Without external interference or coercion, it has successfully maintained all of its academic and research programmes and has dealt with threats to these activities in a manner that has accorded with the highest traditions of academic institutions and minimised the risk of conflict, division and disorder. The University has also fully honoured all of its fiscal obligations. The University fully intends to continue with its important task of advancing and disseminating knowledge through free enquiry and the free exchange of information, opinions and ideas. It is also committed to maintaining the free and stable order that is essential for true educational and intellectual endeavour."

"The conditions which the government is seeking to impose on the university will jeopardise rather than promote that important endeavour. Amongst other things, the enforcement of the conditions will create strife within the university, will alienate it from large sections of the wider community and isolate it from the international community of scholars. The conditions will also bring the university's internal disciplinary proceedings into disrepute by undermining their impartiality and objectivity, and will almost certainly render them unworkable. In short, the conditions are an intolerable intrusion into university autonomy and freedom, a recipe for strife and disorder and a threat to the entire academic enterprise."

"The university, moreover, believes that the ministerial conditions, in addition to being unnecessary and harmful, are an improper exercise of statutory powers. Accordingly, the university proposes, at the earliest opportunity, to challenge their validity before a court of law."

P. de V. Booysen, Vice Chancellor and Principal and Chairman of the Senate

G. C. Cox, Chairman of the Council

STATEMENT

(by the Senate of the University of Natal, 28th October, 1987)

It was unanimously RESOLVED to submit the following statement to the University Council:

"The Senate of the University of Natal has given careful consideration to the letter, under date 13 October 1987, addressed by the Minister of Education and Culture (House of Assembly) to the Chairman of the University Council, and to the accompanying conditions imposed on the University by the Minister under Section 25(1) of the Universities Act (No. 61 of 1955).

These conditions mark a change in State/University relations of a profoundly disturbing nature. In particular, Senate wishes to draw attention to the following:

1. The imposition of the conditions constitutes an invasion of the University's autonomy, and an unwarranted interference in the management, by the established organs of university government, of university affairs.
2. The conditions seek to make the university a criminal law enforcement agency, which is a wholly inappropriate function for an educational institution.
3. The conditions require of the University that it enforce laws (including provisions of the Internal Security Act 1982 and the emergency regulations published under the Public Safety Act 1953) which are legitimately viewed by large sections of the University community and the wider public as unacceptable for the reasons that they:
 - (i) indiscriminately suspend or modify the basic rights of citizens, including rights vital for the proper functioning of a university;
 - (ii) invest public officials with vast and unchecked powers;
 - (iii) provide for the suppression of political dissent;
 - (iv) abolish hallowed safeguards and procedures for the protection of citizens against injustice.
4. The enforcement by the University of these contentious laws will create division and conflict within the University community, and will endanger the peace and order that the Minister's regulations purport to further. Moreover, such enforcement will alienate the University from large sections of the wider community.
5. Compliance with the Minister's conditions whether enforced or voluntary, will isolate the University from the international community of scholars. The cultural boycott of South Africa, which has already assumed serious proportions, will be given an enormous impetus, and is likely to be extended by the non-recognition of South African degrees, the termination of academic exchanges (including exchanges of people, information

and ideas) and an embargo on academic publications. These developments will gravely injure both the universities and the wide South African community in respect of the furtherance of knowledge and technology in all fields, including the sciences.

6. The Minister's conditions will bring the University's existing disciplinary procedures into disrepute by undermining their impartiality and objectivity, and will probably render them unworkable since service on disciplinary courts will become unacceptable to members of the academic community.
7. The application by the Minister of restrictions on the University's subsidy has, as its logical end-point, a situation in which the University, for want of adequate funding, may be unable to ensure the continuation of all its academic programmes — i.e. the very situation which such financial restrictions are purportedly intended to prevent.
8. Notwithstanding the disturbed societal conditions that surround it, the University has maintained an internationally recognised record of distinguished scholarly achievement, and has served the people of this country with dedication through teaching and research. Without external interference or coercion, it has successfully completed its academic programmes year after year, and it has dealt with threats to those activities in a manner that has both accorded with the highest traditions of academic institutions and has minimised the risk of conflict, division and disorder. There is, thus, no need for ministerial intervention, and the Senate regards the conditions imposed upon the University by the Minister, not simply as unacceptable, but as ill-considered, illogical and wholly unnecessary.

In the grave circumstances that now face the University,

Senate REAFFIRMS its commitment to:

- (i) the dissemination and advancement of knowledge through free enquiry, and free exchange of information, opinions and ideas; **and**
- (ii) the maintenance of the good order that is essential for free education and intellectual endeavour.

Since these commitments are fundamentally threatened by the conditions imposed on the University by the Minister,

Senate solemnly DECLARES its refusal and indeed its inability to acquiesce in those conditions, and CALLS upon the University Council to use every means at its disposal to rid the University of this wholly unjustified and unacceptable imposition." □