

25-09-2015

Dear Minister Nzimande,

We write to ask for your intervention regarding our call for the dissolution of the Stellenbosch University Council.

Open Stellenbosch has identified the Council at Stellenbosch University as a significant obstacle in achieving substantive transformation at the institution. There are a number of Council members who we believe to be opposed to transformation. In addition to this we have reason to believe that members of the Council obtain both direct and indirect financial benefit from their involvement in the Council. If this is the case, this would constitute a transgression of the Higher Education Act of 1997.

According to the Act, Section 27:

- 7) A member of a council or a member of a committee of a council-
 - a) must be a person with knowledge and experience relevant to the objects and governance of the public higher education institution concerned;
 - b) must participate in the deliberations of the council in the best interests of the public higher education institution concerned;
 - c) must, before he or she assumes office, declare any business, commercial or financial activities undertaken for financial gain that may raise a conflict or a possible conflict of interest with the public higher education institution concerned;
 - d) may not place himself or herself under any financial or other obligation to any individual or organisation that might seek to influence the performance of any function of the council; and
 - e)
 - i) may not have a conflict of interest with the public higher education institution concerned;
 - ii) may not have a direct or indirect financial, personal or other interest in any matter to be discussed at a meeting and which entails or may entail a conflict or possible conflict of interest with the public higher education institution concerned;
 - iii) must, before the meeting and in writing, inform the chairperson of that meeting of that conflict or possible conflict of interest.

Open Stellenbosch asserts that the Council of Stellenbosch University has, since the university was founded, promoted the interests of white Afrikaners in South Africa and that it continues to do so in the present. While under apartheid this did not constitute 'a conflict of interest with the public higher education institution', in the present, and after the legislative end of apartheid, the Council should not represent the interests of any single interest group.

Through our research into the composition of the Council and the business interests of some of the Council members we argue that the Council has in the past, and possibly continues to be, involved in financial impropriety and is being mismanaged.

The Afrikaanse Handelsinstituut (AHI) was founded in 1942 to advance the business interests of Afrikaners. Like many companies and institutions associated with Afrikaner nationalism during apartheid, it has been significantly rebranded post-1994 but many historical links have

endured. Of the business members listed on the website of the AHI, the only universities are the Tshwane University of Technology, the University of Pretoria, North-West University and Stellenbosch University, the latter being three of South Africa's historically Afrikaans universities. Jannie Durand, CEO of Remgro and Koos Bekker, Chairperson of the Board of Naspers, are Stellenbosch University Council members and both Remgro and Media24 (the print media subsidiary of Naspers) are listed as "corporate members" of the Afrikaanse Handelsinstituut.

In addition JJ Durand is CEO of Remgro and Johann Rupert, the Chancellor of Stellenbosch University is the Board Chairperson of Remgro. JJ Durand is also a Director of Rand Merchant Bank with which the University of Stellenbosch has investments. Durand has also held a position as Johann Rupert's executive assistant.

Johan Theron is an attorney at Werksmans, the attorneys for Naspers. Werksmans, along with Media 24, Reunert, Sanlam, Rand Merchant Bank and Grindrod are all members of the National Business Initiative, a coalition of businesses who work together. All these companies have representatives on the Council. The law firm has also represented some of these other companies.

In addition, and in connection to questions regarding financial impropriety, we would also like to call for an inquiry into the way in which the university, as a site of knowledge production, has been manipulated by those who hold power in the institution. Our claim in this regard relates specifically to the Vice-Chair of the Council, PW van der Walt, extraordinary Professor of Electrical Engineering at Stellenbosch University and Director of Reutech.

Reutech was formed by PW van der Walt and Gerrit 'Boel' Pretorius in 1987 and forms part of Reunert, one of the largest arms developers, manufacturers and suppliers in the country. The company was founded while PW van der Walt was working at Stellenbosch University in the Department of Electrical Engineering. The technology and weapons produced by Reunert, Reutech and their various subsidiaries such as OMC Engineering, were used in the border wars and to wage war on black South Africans and those who opposed the apartheid regime. There is also evidence that points to connections between executives in the above-named companies and the illegal arms trade during apartheid. These connections suggest that Stellenbosch University did not only play a key part in the development of the ideology of apartheid but that the university was instrumental in the violence of the apartheid state. We believe that there is also evidence to suggest that Reunert and its subsidiary companies can be linked to the Strategic Defence Procurement Packages, also known as the arms deal. We contend that throughout its history the university has been used to generate income for a small minority. The fact that this wealth has been amassed through the production and sale of arms and other forms of military technology that have been used to commit human rights abuses makes this all the more reprehensible.

Rand Merchant Bank are listed as the sponsors of Reunert on the Reunert Annual Report. In 2008 Johann Rupert's company Richemont formed Reinet as its investment arm. There are connections between Reunert, the largest privately owned company in South Africa dealing in defence related products, and Reinet – for instance SD Jagoe serves on the board of both companies. There are also connections between Reinet and Stellenbosch University as Extraordinary Professor of Mercantile Law at Stellenbosch University, Professor Frederick Mostert, is non-executive member of the board of Reinet.

Khungeka Njobe is the Chairperson of the board of the Technology Innovation Agency which supports research into defence technology.

It is critical to investigate the production of knowledge and the way in which it has been used both during and after apartheid. We have reason to believe that some of the decisions taken by the Council have been made to protect the interests of those who hold power in the university. This includes the appointment of Wim de Villiers as Rector and Vice Chancellor.

We also claim that in closing the Centre for Inclusivity and eliminating the office of Dean of Students, the Council acted unfairly and in a discriminatory way to the students and staff members to whom it owes a duty under the 1997 Act. Only in the wake of the recent public scrutiny and pressure from Open Stellenbosch and others, has Council decided to open a Transformation office and reopen the office of Dean of Students. We call for an investigation into why these offices were closed. Without understanding the reasons for the Council's decision to close these offices there is a possibility the newly formed offices will be shut down in turn.

There is a history of marginalising pro-transformation staff members and many staff are fearful of speaking out at risk of being victimised. We are aware of the following cases:

- Dr Jerome-Alexander van Wyk, former Director: Equity and Diversity
- Dr Llewellyn Macmaster, former Dean of Students
- Monica Du Toit, former Coordinator: Centre for Inclusivity

Open Stellenbosch has received two anonymous submissions from Faculty members who felt unable to disclose their identities and who describe being too afraid to speak out about their experiences of discrimination at the university.

It is also public knowledge that the late Prof Russel Botman, former VC was under tremendous pressure for pro-transformation policies, particularly during his second term as Vice-Chancellor. We contend that the environment is hostile for individuals in Management who are committed to transformation. This is consistent with the University Management's response to Open Stellenbosch's public meetings and protests. From the very first public meeting that Open Stellenbosch organised the university has been sending intimidating official letters and threatening staff and students with disciplinary action to curtail the movement's organising efforts.

In addition we argue that the current language policy at Stellenbosch University is discriminatory and disadvantages students and staff members who do not speak Afrikaans. The University Council oversees how the policy is devised and implemented and in this regard we argue that the Council has acted unfairly and in a discriminatory way to the students and staff members to whom it owes a duty under the 1997 Act.

Stellenbosch University has argued that Piet le Roux is an exception to the rest of the members of the Council who are said to be in support of transformation. Le Roux is a well-known employee of and advocate for the right-wing pro-Afrikaner nationalist movement Solidariteit (Solidarity). He recently made his views on current debates about transformation clear when he condemned the approach of the Department of Higher Education, labelling it "transformania". Open Stellenbosch reject the claim that le Roux represents a single dissenting voice as there are several members of the Council who are opposed to transformation of the language policy and of institutional culture at the university.

These members include **Wannie Carstens**, one of the founders of the **Afrikaanse Taalraad** (among the partner organisations of which are the **Vryheidsfront-plus** and the **Orania Beweging**) and **PW van der Walt** who has argued that *“The University must be a friendly academic home for Afrikaans-speaking persons and remain so.”*

For the reasons stated above we call for the dissolution of the Stellenbosch University Council.

According to the Higher Education Act of 1997 the Minister of Education may intervene and dissolve the Council and appoint an administrator if the Council fails in its duty to serve the interests of the institution and the interests of the public to which it is accountable.

49A. Intervention by Minister (1) The Minister may issue a directive to the council of a public higher education institution to take such action specified by the Minister if the public higher education institution- (a) is involved in financial impropriety or is being otherwise mismanaged; (b) is unable to perform its functions effectively; (c) has acted unfairly or in a discriminatory or inequitable way towards a person to whom it owes a duty under this Act; (d) has failed to comply with any law; (e) has failed to comply with any directive given by the Minister in terms of section 42; or (f) has obstructed the Minister or a person authorised by the Minister in performing a function in terms of this Act.

We submit that if transformation is finally to be realised at Stellenbosch University the university should be placed under administration and an independent investigation undertaken to determine if, as we strongly suspect, members of Council are in contravention of the Higher Education Act. We also call for assets acquired during forced removals to be returned to those from whom they were stolen. In our view the university will never be able to move forward until the wrongs of the past are addressed and the ongoing injustices of the present are recognised.

Yours Sincerely,

Open Stellenbosch