

UNIVERSITY OF CAPE TOWN



THE CONVOCATION

Minutes of the Annual General Meeting of Convocation held on the Microsoft Teams Virtual Platform Thursday 9 December 2021

Present

The acting President of Convocation and Vice-Chancellor (Professor M Phakeng), the Secretary of Convocation (RN Pillay) and members who had registered, and those whose names are recorded in the attached Appendix I.

Apologies

Members whose names are recorded in Appendix I.

1. Welcome and preliminary matters

(a) Welcome

The acting President of Convocation (Vice-Chancellor Professor Mamokgethi Phakeng) welcomed members present. She reminded the meeting that Professor Eddy Maloka who was elected as President of Convocation in December 2020 had resigned earlier in 2021 and remained supportive of the University. She thanked him for his commitment to the University and the work he had done as President of Convocation and for bringing dignity to the office of the President of Convocation and maintaining the stature of the office. She confirmed that the quorum requirements had been met and that the meeting was duly constituted.

(b) Register and Apologies

The names of those present and apologies received are recorded in Appendix I to these minutes.

(c) Minutes of the Annual General Meeting (AGM) held on 9 December 2020

The minutes of the AGM held on 9 December 2020 were approved on a motion by, Keith Gottschalk, seconded by Dianna Yach.

(d) Matters Arising

There was none.

2. Vice-Chancellor's Report

The Vice-Chancellor presented her report which is appended to these minutes as Appendix II.

3. Motions

The meeting proceeded to consider motions for which notice had been received by the deadline, as follows:

4.1 Motion calling for a survey of the Alumni on the Council's decisions to rename the Residence formerly known as "Smuts Hall"

Emeritus Professor Tim Crowe, seconded by Professor Raymond Jansen had moved that members of UCT's Convocation consider recommending that its members be surveyed concerning their views on UCT Council's arguably unwarranted recent decision – allegedly on the advice of its Naming of Buildings Committee NoBC and its specialist "Task Team" in 2016 - to de-name Smuts Hall (SH), and the action of the UCT Executive to remove Smuts' bust (already defaced by 'uniformed' members of Economic Freedom Fighters Students' Command - EFF-SC) from the entrance of Smuts Hall.

Emeritus Professor Crowe motivated his motion as follows:

He noted that the reason for motion was no related to justifying or defending or apologising for General JC Smuts, his being, actions and inactions, but related to the way in which his status had been handled by the Naming of Buildings Committee. He made the following points:

- During 2016, there appears to have been no formal evidence-based proposals regarding the de-naming of Smuts Hall.
- There was a proposal by Associate Professor Johann Hattingh, who argued against the de-naming, not because he supported or criticized anything about Smuts, but because he felt that a balanced debate and discussion about him, his acts, philosophy and his whole being would be an enormous benefit to the university's legacy and to the university community to help understand him and UCT in general.
- The understanding from comments made by the current Chair of the NOBC was that most comments received opposed the de-naming of Smuts Hall.

- According to the Chair of the specialist task team on which the NOBC relied on for information in 2016, the task team had not been requested to investigate the pros or cons vis-a- vis the de-naming of Smuts Hall.
- Unlike Jameson Hall, there was no formal account that had been given of the process that led to the de-naming decision.
- Nothing seems to have happened between 2016 until until 10 May 2021, when the Student Representatives Council submitted its document to the NOBC and others structures calling for the de-naming of the residence.
- There was no formal announcement of the SRC's submission, nor a call for counter proposals or comments.
- Council member Michael Cardo published a piece on Politicsweb, in which he noted that the NOBC had apparently approved the process, which meant that the NOBC would make a recommendation to the Council.
- Dr Cardo had argued that the Council should not act precipitously on this matter and allow broad consultation and debate on the matter.
- On 19 June 2021, Council endorsed the NOBC's recommendation.

The seconder of the motion, Professor Jansen noted that Professor Crowe had captured his concerns about the process leading to the renaming of the building. He added that he wished to partake in a more open discussion and debate and opinions on a democratic process for the renaming of this building.

The acting President of Convocation opened the motion for debate.

Members spoke to the motion.

Hugh Amoore asked if it was true as, the motion alleged, that the executive removed or arranged to remove the Smuts bust and if the removal carried the support of the Legal Heritage Agency in the Western Cape. He noted that if the removal did not have the support of the Heritage Agency, the removal of the bust was illegal.

Keenan Hendrickse expressed the views that it was not possible to separate the substance of matter, the person in question and the issues of process. He commented further that certain persons in history should not represent who the University was and who it wanted to be; building names were not history but rather symbols of what the University chose to commemorate and what the values of the institution were.

Dianna Yach highlighted some of what she thought were objectionable views held and actions by General Jan Smuts, especially regarding how African people were treated, subjected to pass laws and disenfranchised. This would have informed the NOBC in its recommendation to de-name the building concerned.

Acting Deputy Vice Chancellor Emeritus Professor Martin Hall addressed Convocation. He confirmed that

- there was indeed a task team whose first task was the renaming of Jameson Hall, but in the initial terms of reference for the task team, they were also charged with considering a number of other buildings namely, Smuts Hall, Beattie Building, and the Wernher and Otto Beit Building. However, after Council's approval of the recommendation to rename the Jameson Hall to "Sarah Baartman Hall" the task team was dissolved and did not complete the rest of the task which is why no recommendations in respect of Smuts Hall were made at the time.
- Many other responses in addition to that of Associate Professor Hattingh were considered in the 2016 consultation process, a significant number of which were opposed to the renaming of Smuts Hall.
- A NOBC task team, chaired by Ms Dianna Yach, was currently considering the proposals for a permanent name for the residence. These proposals were received as part of a consultation process conducted in the general community and included a call for proposals in respect of the naming of the spaces in front of the Sarah Baartman Hall i.e. the plaza, steps and the plinth. Just short of 100 proposals were received in respect of the residence and there was nothing significant in the fact that the process ended on 6 December 2022. The timing of the process was based on the need for adequate time to analyse the responses fully to submit it to the task team in January 2022. The NOBC would consider the proposals and it was expected that the NOBC would make recommendations to Council in March 2022.

The Secretary to Convocation noted that the bust was temporarily moved for safe-keeping in order to mitigate the risk of damage and that no final decision had been made beyond that. He confirmed that the usual process in consulting with the relevant agencies would be followed.

Lauren Herring noted that the problem with decolonising spaces was finding the correct balance. As much as history was controversial it formed part of the story of UCT. She believed that it was not the names of buildings and spaces that represented the University, but the students produced by UCT.

Graham McIntosh lauded the Vice-Chancellor on her commitment to excellence. He noted that General Jan Smuts was also excellent. He had attended Cambridge University and was recognised as a genius of that generation of students who later became Chancellor of the University of Cambridge; had written the preamble to the Charter of the United Nations; developed a philosophy called Holism; and was a brilliant botanist. He reasoned that this was an important element for UCT as a centre of

excellence that should not be neglected, and that Smuts should be viewed as a global intellect.

The acting President of Convocation invited Emeritus Professor Crowe to reply to the debate and present his closing remarks.

Emeritus Professor Crowe noted that Acting DVC Hall had confirmed what he had said, namely that there was no formal proposal in 2016, the task team was not asked to investigate merits for renaming; most comments were opposed to renaming; and that the bust had been removed. He was not convinced that the bust would ever be returned.

The motion was put to the vote and defeated with 26 members voting in favour, 46 against and 9 members abstaining.

4.2 Motion calling on Council to rescind its decision on mandatory COVID-19 vaccinations for staff and students

Victor Kroon, seconded by Dr Marcus Rademeyer, had moved that Council rescind its decision of 16 October 2021 that, with effect from 1 January 2022, all UCT staff and students must provide proof of having been vaccinated against COVID-19.

Victor Kroon provided reasons for his motion as follows:

1. Studies had shown that young people, i.e. students that make up the majority of the population at UCT, are at very low risk of Covid.
2. The vaccines did not prevent people from getting Covid, nor do they prevent people infected with Covid from passing it on to other people. The vaccines just reduced the severity of Covid.
3. The effectiveness of the vaccines waned quite quickly to such an extent that after 4 to 6 months the protection offered was half of what it was just after being vaccinated.
4. There were serious health risks involved with getting the vaccines, more so than with other previous vaccines that had been discontinued due to the adverse events reported.
5. The possible medium to long-term effects of these vaccines were unknown.
6. It had been estimated that about 80% of the South African population had been infected with Covid and would thus have natural immunity which by all counts was at least as good as the immunity achieved from taking the vaccine.
7. Mandatory schemes pose a significant threat to fundamental freedoms.
8. Vaccines have never been mandated as a prerequisite for employment in South Africa or for attendance at educational institutions, even for diseases that pose a greater threat than Covid 19.

9. There was a potential risk that UCT could be legally liable if it proceeded with mandatory vaccination and there were students or staff members that had an adverse reaction to this.

The acting President of Convocation invited comments

Professor Leslie London spoke against the motion. He refuted the reasons given for the motion noting that these reasons were not based on science and were repeating information that was patently untrue. He pointed out that the vaccine would probably reduce transmission by a significant margin and similarly reduce the need for hospitalisation of those who were vaccinated. Regarding waning immunity, he noted that there was a very wide variety of evidence around the longevity of immune status after vaccination, and it depended on the vaccine, the person, and many related factors. It could not be said and could not be generalized that it stopped after six months. He said that he had not seen any peer reviewed evidence for a claim that there were serious health risks involved with getting the vaccines. He argued that the medium to long-term effects of vaccines was not a rationale for not accepting vaccination. The consequences of not vaccinating were very well known. He acknowledged that large numbers of the population had previously been infected, noting that there was a discussion about whether immunity from previous infection performed as well or better than vaccine-related immunity. Regarding mandatory vaccination he accepted that certain rights in the Constitution can be limited for good reason; had to be done in a fair way and consistent with section 36 of the Constitution. He did not accept the argument that mandatory schemes posed a significant threat to fundamental freedoms. In respect of transmission, he noted that there were large numbers of people who were asymptomatic and failed to take precautions because they were not aware of it, and that was precisely the reason vaccination was necessary. He noted that while vaccines had never been mandated as a prerequisite for employment in South Africa or for attendance at educational institutions vaccines were commonly used as an example for health workers who were expected to get hepatitis B vaccinations and school children in East Africa who expected to be vaccinated before they enter school.

The motion was put to the vote and defeated with 24 members voting in favour, 44 against and 9 members abstaining.

4. Election of a member to be President of Convocation for a two-year term 2021 – 2023

The acting President of Convocation reminded members of Convocation that two nominations had been received by the deadline of 18 November 2021. Dianna Yach, seconded by Paki Zandile had nominated Carl Manlan. Phumlani Manikivana, seconded by Sabakhe Mahlangu, had nominated Linda Cecil Nene.

The nominators for each of the candidates were given an opportunity to motivate their nominations, and to respond to questions that the members of Convocation may have had, which they did.

Each nominee was afforded an opportunity to make a statement whereafter the meeting proceeded to vote.

Carl Manlan was elected as President of Convocation for a two-year period with 33 members voting in his favour, 19 in favour of Linda Cecil Nene and 4 members abstaining from the vote.

The Vice-Chancellor congratulated Carl Manlan, thanked Linda Cecil Nene for making himself available as a candidate, and thanked all members of Convocation for their attendance and contributions to the meeting and for supporting the work of UCT.

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There being no further business, the meeting ended at 19:30

Appendix I

Attendance Register and Apologies

Appendix II

University of Cape Town

Vice-Chancellor's Report to The Convocation of the University of Cape Town

