

Mediation process and the way forward for NMMU

NELSON Mandela Metropolitan University (NMMU) uses consultation and co-creation in response to challenges affecting stakeholders.

It was in this very spirit that the university approached the important conversations once again brought to the fore by the #FeesMustFall movement.

This has culminated in over four weeks of engagement aimed at finding solutions.

In its submissions to the Presidential Commission on Fees on September 2 and subsequently on October 21, NMMU categorically reaffirmed its support for free higher education for the poor and adequate financial support for the missing middle.

The current wave of #FeesMustFall protests began on September 20, a day after Higher Education Minister Blade Nzimande's pronouncement on 2017 fee increases that essentially left it to individual university councils to decide on a fee increase – with a ceiling set at 8%.

The minister's statement also made some concessions aimed at addressing the plight of the NSFAS recipients as well as those who fell in the bracket of the newly defined missing middle.

Within the first two weeks, the university was presented with five petitions from

the various student formations. The issues raised in these petitions fall under two broad categories – national and institution-specific.

We met all the demands, bar two. The only outstanding issues then, which remained outstanding, relate to debt clearance and the call for fee-free education. It was acknowledged that the latter falls within the ambit of national government.

By the end of the third week, parties in the negotiations were quite close to reaching an agreement on these two outstanding issues.

The negotiations spilled over to the fourth week, by which time it became quite clear that we were not going to come to an easy resolution on the demand for and immediate pronouncement on the matter of fee-free education.

By then, we had engaged students through four mass meetings without finding a resolution acceptable to all parties. It thus became clear that a different approach was needed to break the impasse.

In a bid to open the university, a group of concerned parents sought relief from court. NMMU was enjoined in the suit.

In my View

Zandile Mbabela

At the hearing, we proposed a court mandated mediation process. The mediation, we hoped, would effectively bring both students and parents into the engagement process culminating in an agreement that, once signed, would be endorsed by the court.

On the day the mediation was to start, the university was again approached by students to try find each other around the two outstanding issues and additionally request an audience with council to motivate their stance. This was agreed to.

An attempt to open the university on Monday October 10 was thwarted by protesting students who blocked entrances.

On October 13, an agreement was reached on how to deal with debt resolution and how we would engage jointly on the national campaign for free higher education. This agreement was endorsed by the university council at its sitting on October 14.

Following that agreement, and having communicated as such to students, council directed management to re-open the

university on the following Monday, October 17.

Mindful of what had transpired the previous week, the university elected to seek a court interdict. The interdict was drafted in a manner that would protect the rights of students wanting to continue with fee protests, and those wanting to continue with their studies and of staff wanting to return to their work stations.

On Tuesday October 18, when classes were supposed to resume, the university was met with yet another forced blockage, which led to police intervention to enforce the opening of the gates.

Regrettably, that week was marked by unprecedented incidents of violence, following clashes between police and protesting students.

By the third day, the university deemed it necessary to seek relief from the court. On Thursday October 20, the court ordered the mediation process to resume.

Thankfully, a group of senior advocates and members of the clergy offered to fa-

cilitate the mediation process. This process took place on October 24-25.

Parties in the mediation process included NMMU management, parents and representatives from student organisations – SRC, EFF Student Command, Daso, Black Students Stokvel, Sasco and independents – and was presided over by members of the clergy and the legal fraternity who offered their services on a pro-bono basis.

While the university remained open, teaching and learning activities remained suspended in the week of October 24-27 to allow parties in the mediation a chance to complete their consultations.

A draft of the mediation agreement was finalised on the night of Tuesday October 25 and was to be presented to students during a mass meeting that was to be held on Wednesday October 26, after which the final agreement would be signed by all parties. However, the scheduled mass meeting did not take place.

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The fact that students came to the mediation was a show of willingness and a commitment to work towards some sort of resolution.

The commitment to mediation was based on the fact that the process would be treated with sensitivity and confidentiality until finalised.

It is for this reason that details of the mediation and the envisaged agreement were not communicated.

We are disappointed that the students walked away from a process that committed to come to an amicable resolution. We thought that the agreement entered into was a progressive one in assisting the university and the broader civil society in taking forward the just call for free higher education.

The university has since embarked on implementing measures to ensure that the 2016 academic year is completed.

We trust that all NMMU stakeholders will rally behind the academic completion plans, the implementation of which is currently under way.

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