



Chief Executive Officer

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Dear Colleagues,

I trust that you are all well.

Let me start on a high note. Recently, Executive spent time with researchers at the Mathematical Modelling & Digital/Data Science Unit. The interaction symbolised everything that makes one enormously proud of the CSIR family: young, confident, well-spoken, well educated researchers – men and women of all races – showcasing work of very high quality and impact.

One sees this replicated across the CSIR in various areas of research and its application. Another example is the recent launch of the Biotechnology Industry Development Centre (BIDC), which amply illustrated the impact that the CSIR has on the growth of technology-based emerging enterprises. Many dedicated CSIR people, with generous support from Treasury and the Department of Science and Technology, have worked tirelessly to make the BIDC the good story that it is. Minister Pandor gave a moving keynote address at the launch. Over the years, the Minister has consistently been an avid and impressively lucid champion of the CSIR and of science in general, both as a worthwhile pursuit in its own right and as an agent of socio-economic change.

Yet, regrettably, all is not well.

Indeed, the past few months have been so surreal that I initially felt like I had been thrust into Lewis Carroll's *Alice's Adventures in Wonderland*, but it rapidly became clear that the reality is considerably more unsettling than the eccentric but charming world of Wonderland. A more fitting metaphor is to be found in Franz Kafka's masterpiece, *The Trial*, in which the protagonist Josef K., a staid chief financial officer of a bank, finds himself arrested and tried for a crime that is never revealed to him.

On February 4 2016, the Board Chairman received a letter from the Minister reading as follows:

I wish to advise that I have received information from an employee of the CSIR in terms of the Protected Disclosures Act, 2000 relating to alleged maladministration and corruption at various levels within the CSIR.

Due to the potentially serious nature of the allegations made, I have opted to investigate the allegations made to determine whether any intervention is required from the Board or myself as the Minister responsible for the CSIR.

As to the issue of the employee and related rights and obligations, I have advised that this be addressed through the relevant labour legislation and structures.

I will therefore communicate with you in due course regarding the process for the investigation.

Perplexingly, despite the serious nature of the allegations, there was complete silence until 13 April 2016, a full 10 weeks later:

I wish to advise that I have appointed Open Water Advanced Technical Solutions (the Consultant) to investigate the allegations received by myself from an employee of the CSIR, Ms G. Huma Group Executive: Human Capital (the employee), made in terms of the Protected Disclosures Act, 2000.

Some immediate observations are in order:

- Ms Goitsemanang Huma was in fact no longer an employee of the CSIR on 13 April. She was dismissed earlier in April, having been suspended in December 2015 and subsequently found guilty of all 9 charges against her by an independent panel.
- Despite the timing, one must assume that the delay between the 2 letters was not prompted by Ms Huma's dismissal but due to a presumably meticulous 10-week procurement process to identify the Consultant best suited to the task envisaged. The Open Water website indicates extensive experience in investigation of serious criminal conduct. When Open Water made contact, they stated that they had been instructed to conduct a "forensic audit" on the CSIR and they wished to conduct individual interviews with members of Executive and various other senior employees.
- Having let it be known who the informant was, the Minister clearly regarded the Protected Disclosure Act to cover not the identity of the person but the content of the disclosure. There has since been a firm persistence that the allegations are serious, but a steadfast refusal to tell us what those allegations are *in writing*.
- In the distinctly frosty context, "interview" sounded uncannily like a euphemism for "interrogation without divulging the alleged crime". The plight of Josef K.

In the course of all this, the Board was informed in no uncertain terms to stand aside so that the Minister may engage the CSIR directly, assisted by the Consultant.

Given the seriousness of the allegations, the potential impact on the CSIR, and the refusal by any of the parties to reveal the details of the alleged misconduct, we engaged the services of a lawyer, Mr Tebogo Malatji of Gildenhuis Malatji Inc. He has rendered a variety of legal services to the CSIR to our consummate satisfaction.

To our greatest surprise, engaging Mr Malatji caused untold consternation. How can we appoint an *external* lawyer when we have been instructed to accede to individual interrogation by the Minister's *external* Consultant?

The Malatji appointment drew the Director General, Dr Phil Mjwara, into the fray. The DG, who pleaded lack of familiarity with the issues having reportedly been sketchily briefed by the Departmental Legal Advisor, nonetheless prevailed upon me to withdraw Mr Malatji's services. I demurred – politely, I like to believe, but emphatically. To my question about the precise nature of allegations against the CSIR, the DG's response was, effectively:

"Can't Say. Won't Say."

After persistent requests from Mr Malatji, the Consultant ultimately relented and provided a written indication of the allegations:

- The process employed in drafting the Employment Equity Report of the organisation;
- The process and reasons for terminating an investigation into the removal of equipment from the National Laser Centre;
- The allegations of a contravention of research ethics by a former CSIR employee;
- The backdated contracting of white male retirees from 1 April 2015;
- The dismissal of an employee in the so-called e-toll matter;
- Nepotism regarding the appointment of a family friend of the CFO; and
- Allegations regarding racial discrimination.

At a subsequent meeting, the Consultant committed to provide detailed questions on the matters listed above but later wrote to say that his Principal had given strict instructions not to provide written questions. We then provided detailed responses to the matters made available to us, as contained in the attached letter of 6 June from Mr Malatji to the DG. This has incurred the Minister's further wrath, whose latest letter continues to rail against the engagement of Mr Malatji and our detailed response to "**matters raised by the independent consultant in a cryptic manner**".

"Curiouser and curiouser", young Alice might cheerily have declared, but Josef K. would have had good reason to be considerably more sombre. If, for the sake of argument, the CEO is alleged to have spirited away a spanking new attosecond ruby laser, flogged it off at the proverbial street corner and scampered into the night, gleefully clutching his ill-gotten gains, then why insist on a Kafkaesque investigation by the Minister's appointed consultant who can divulge no more than cryptic clues to the allegations?

Indeed, why not reveal the full disclosure by Ms Huma, so that the merit of allegations by someone found guilty of misrepresenting her CV in order to secure the job of Group Executive: Human Capital can openly be evaluated? It has been authoritatively argued by Mr Malatji why a disclosure made after the informant has been suspended and subjected to a disciplinary process cannot be a Protected Disclosure.

I am deeply saddened that matters have come to such a dramatically sorry pass between the Minister and the CSIR and I am dumbfounded by it all – in particular, the apparent belief that a right to legal representation in the institutional interest can be curtailed by Ministerial decree. It raises a fundamental divergence of views regarding the relationship between authority and power.

I preside over an institution of highly intelligent and dedicated people who are often recognised authorities in their respective fields of science and engineering. I have always been keenly aware that I can earn and retain their respect if the things that I say and do make sense, if I always strive to acquire a modicum of understanding of their diverse areas of research and development. Hence my own authority to govern flows from mutual respect and clear separation of powers. When I insist on administrative checks and balances, I must not lapse into overbearing control mode that stifles the very scientific creativity that we collectively seek to nurture.

Were I to stop making sense and lapse into command mode instead, then I would erode the authority accorded to me by the research community arising from sustained mutual respect. What would then remain is power without authority. With the passage of time, such power would progressively ring hollow as people learn to stop listening to me. Ultimately, I would threateningly huff and puff and discover that I blow little more than my own ego down. Then I would know that the time has come to step down.

Never abandon reason and try to rule thinking people by decree, lest you squander your own authority and, in short measure, rudely discover the limitations of your own power. This principle, complemented by attention to impeccable good governance, has guided me well at the helm of an institution whose core activities of science and technology have, by all accounts, grown from strength to strength in the nearly 15 years that I have been CEO.

The least that one might have expected is that when the Minister received allegations of “**maladministration and corruption at various levels within the CSIR**” from an employee with a service of a few months who was suspended at the time and was subject to a disciplinary process, she might have paused to say to herself: “that sounds grotesquely out of character given the CSIR that I have known over the years”. She might have asked how plausible it is that we could have successfully pulled wool over her eyes and those of the Auditor General for so long and she might then have engaged the Board and Executive in conversation on the matter. In bypassing the Board and resorting to direct appointment of forensic investigators, the Minister may have inadvertently opened the eponymous box of Greek mythology.

There has been a flurry of mixed messages regarding the word “forensic”.

- The Minister referred to an “**independent forensic investigation**” in a letter of 22 April, which was subsequently retracted on 25 April.
- The very next day (26 April), the Minister’s Consultant informed the CSIR of his instruction to conduct a “**forensic audit**”. This position by the Consultant continues to stand.
- On 27 May, in a presumed attempt to argue that the investigation was in fact not forensic, the DG managed to say, in effect, that “the forensic investigation is not a forensic investigation until it is a forensic investigation”. This letter too was promptly retracted.

It is hard to judge whether this is brilliant cunning designed to rattle or breathtaking bumbling reminiscent of Inspector Clouseau of *Pink Panther* fame. Either way, it brings to mind Clouseau’s memorable words: “there is a time to laugh and a time not to laugh, and this is not one of them”.

There is another incident, well before the current turbulence, that might be worthy of recollection. During 2015, the DG approached me to discuss a tender that had been put out by the CSIR for the provision of high-end computing equipment to be housed at the CSIR’s Centre for High Performance Computing (CHPC) in Cape Town. He was at pains to point out that he was merely conveying a concern from named sources that it appeared that the CSIR was not going to award the tender to a named provider. To the question of the extent to which I hold sway in the procurement process, my rejoinder was categorical: “**Can’t Sway. Won’t Sway.**”

The launch of the new CHPC facility took place recently, to well-earned media coverage. The provider was not the one that came up in the conversation with the DG.

More recently, I pointed out to the DG that his Department – the CSIR’s line Department and the provider of funding for the CHPC – is where the first line of defence against undue influence ought to reside. It is thus a profound irony that he should find himself acting as a dutiful messenger to convey thinly veiled attempts to subvert our internal procurement processes.

There appears to be lack of recognition that the checks and balances of good governance at the CSIR are so robust that even if I wanted to sway a procurement process, I really would not be able to. That is the true nature of power. For you to have it, paradoxically you must first give it away. The people who are thereby fully empowered to exercise controls in their respective roles will then work with you provided you respect their contextual authority. That way, you recover power in a form that allows little scope to corrupt. I would not have it any other way.

To gain direct control on the levers of power at various levels within the CSIR, one would first have to dismantle the current system of checks and balances and sack a good many principled people in the process. Given that the CSIR’s success is underpinned by the tightly coupled principles of *good science* and *good governance*, dismantling the latter would almost certainly result in destruction of the former. The CSIR would become a shadow of its current self.

Those who would capture the CSIR would be doing so at the peril of presiding over institutional demise.

Having said all this, I remain an optimist. There is a concept known as system dynamics resilience that is increasingly used to model, for example, the physical and social impact of climate change and how best to mitigate such impact. The CSIR is a dynamic system underpinned by people dedicated to the health and performance of the institution.

I will personally be moving on in 3 months (end of September) when my third contract comes to an end. I do not doubt that I will leave behind a resilient organisation that will survive the necessarily transient turbulent times and recapture the quiescence that is essential to ensure that the CSIR does indeed deliver “Our Future Through Science”.

All the best to you all,



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