Global Talent, Local Impact: Foreign National Employment in South African Higher Education

Central University of Technology, Free State

Annual Workshop of the Remuneration Association for Educational Institutions (RAEI)

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Abstraction

Are higher education institutions (HEIs) above reproach when it comes to the transformation imperatives in South Africa? For example, can academic freedom remain an unmediated concept when it appears as posing risk to student learning? Also, can the HEIs continue to cry interference, under the guise of institutional autonomy, and thus remain without intervention, when there seems to be no compelling evidence for public accountability? With the case about the Management of the Foreign Nationals (MoFNs) in South Africa, which seems to indicate a complexity bordering on national crisis, this presentation suggests that, while excellence is necessary in the business of HEIs, it is equally irresponsible to assume that HEIs cant be a subject of the national legislative framework! Per the cases as cited in this presentation, excellence is not a neutral, and thus a values free, concept. Excellence can be politically loaded and thus susceptible to the weaponization of the academic project. For the custodians of excellence who seem to rely on meritocracy in order to break the laws of the country, the presentation reminds them that the best approach would be to change the law, otherwise the cases as alluded to indicate the blind pursuit of meritocracy in what can be argued as forms of unethical and immoral practices, as being out of integrity, as being unauthentic and bordering on the defeatist logic about what ought to matter in the advancement of humanity by means of a knowledge project.

The Remit/Brief by the RAEI, South Africa

Global Talent, Local Impact: Foreign National Employment in South African Higher Education

An exploration of how institutions can balance transformation, internationalization, compliance, talent attraction and institutional sustainability while navigating an increasingly complex regulatory environment.

The Problem/Abstraction…..01/02

- *What if the higher education and training sector was also part of the Terms of Reference for the Justice Raymond Zondo Commission in South Africa?*

- *Could it be that, as a consequence, the Justice Mbuyiseli Madlanga Commission,*

    - *Would now be leading evidence on how the Safety and Security Services mismanaged some university education institution cases for nefarious ends?*

The Problem/Abstraction…..02/02

- *Main Argument: Ensuring the balancing act in "Global talent and Local Impact: Foreign National Employment in South African Higher Education" is a question of the ability to manage power dynamics.*

- *It is a matter of both the ESA and its Amendment Bill, for example,*
  - *potentially getting lost in interpretation due to the contestations of power!*

- *It is always such a case,*
  - *because any phenomenon in the social world is never neutral and values free.*

- *On the strength of the claims, which reveal the inherent contradictions, enduring tensions, questionable inconsistencies and systemic and structural lacks,*

  - *This address to also suggests four foundational principles of being a transformative leader towards arriving at what might be the resolution points.*

Ideal Plan of Development, Context-Mechanisms-Outcomes Modelling/Logic

- *Move from the ability about the subject, the Management of the Foreign Nationals (MoFNs), as improved levels of consciousness/awareness (Objective 1),*

- *To putting the MoFNs concept in the systems for capacity building, as program development (Objective 2),*

- *To using the MoFNs concept to solve HEI problems/capabilities (Objective 3), and finally*

- *To changing the university system/ensuring the competitive advantage/strategies (Objective 4), assuming that the MoFN question is one of RAEI's focus areas!*

The MoFN Cases, derived from historical encounter with the subject

- *1994/95: Employment of a Lecturer in COME, Minimum Requirement, Honours in English Language Teaching.*
  - *However, the claim, the Candidate has Masters in English,*
  - *The claim, turned out to be false, later,*
  - *Both Candidate and HoD are FNs,*

NB: Academic Leadership, as the business core, is undermined!

- *2018/19: Exec Mngt & Council, (Post of Senior Director-P4 Post, recently upgraded from Director-P5;*
  - *Shortlisting and Interviews, the VC Chairs, and an FN is appointed;*
  - *Investigation Report, as instituted by the University Council,*
  - *The Findings: The VC usurped the Council Powers which the Council had abdicated,*
  - *The Case of KIV Code of Corporate Governance and Leaderships, Ethical Leadership, Leadership with Integrity!*

- *NB: The academic project becomes more complicated, not at the AL phase, but the management systems and governance structures!*
- *The cases of reproductive outcomes in the RSAHET transformation project whereby not only the integrity of the academic project but also abuse of power at the highest level of the HEI.*

- *The stakes can be very high. The issue can be about job security, precarity, casualization and the weaponization of the academic project,*

The Remit/Brief by the RAEI, South Africa

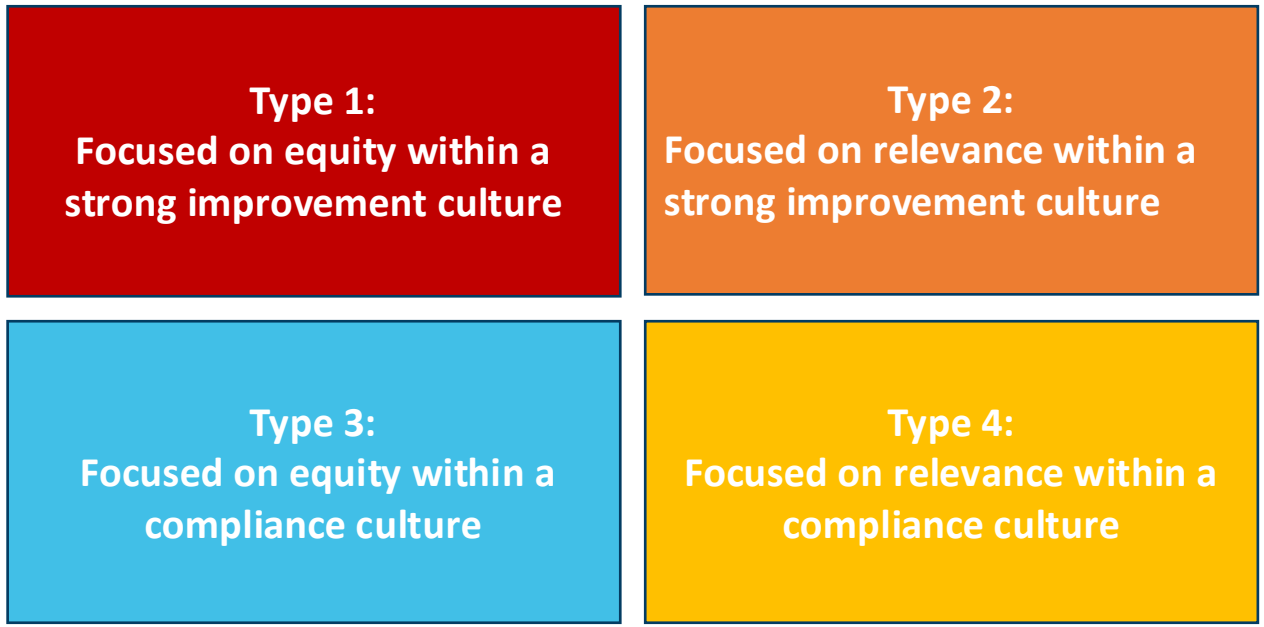
Exploring how institutions can balance transformation, internationalization, compliance, talent attraction and institutional sustainability while navigating an increasingly complex regulatory environment.

The National Picture: How does the National Transformation Project try to address the concerns, issues and claims?

(The Report on The State of Transformation in South Africa's Public Universities (Luescher, Mncwango, Fongwa,Oppelt, Mthombeni and Paterson, 2023)

Transformation approach: Culture of innovation

Transformation focus: Equity



Transformation focus: Development

Transformation approach: Culture of compliance

The idea of Being and Becoming about Transformation and the RAEI Remit

Focus Area (Concepts)	*Being/What it is?*	*Challenges, Analysis for the CTILs*	*Becoming/What it could be/have been?*	*What choices can RAEI make about this?*
1. Transformation	*Transformation and Equity*	*Inherent Contradictions*	*Ensuring the Equity of Access with the Quality of Life,*	**????**
2. Internationalization	*Global Talent as an Equity question*	*Enduring Tensions*	*Growing Own Talent/Localization,*	**????**
3. Compliance	*Employment Equity Act and Labour Relations Act*	*Questionable Inconsistencies*	*Ensuring alignment between, and with, other Acts,*	**????**
4. Talent Attraction	*Replacement and displacement/Xenophobia and Genocide*	*Inherent Contradictions*	*Labor Practices, which are Justice, Fair, with Democracy, and Empathy*	**????**
5. Institutional Sustainability	*Colonialism/Western Triumphalism*	*Systemic and Structural Lacks*	*Ensuring Resilient Institutions,*	**????**

My Philosophical Stance about the Social World

“Even with the best Policy and Plan, on the well captured ideas, doesn’t necessarily work, due to the question of Agency/the choices we can make!”

"Our strategy should be not only to confront empire, but to lay siege to it. To deprive it of its oxygen. To shame it. To mock it. With our art, our music, our literature, our stubbornness, our joy, our brilliance, our sheer relentlessness-and our ability to tell our own stories".

Arundhati, Roy, 2003

The Regulatory Framework

"They are flushing out of the system. You must see who they are replacing us with. The none South Africans without following the due process",

(Chair, Portfolio Committee on Higher Education and Training).

The Immigration Act (Section 3.8),

- *No Foreigner must be employed in a job that can be done by a South African.*

ILO, AU, The SADC Protocol;

Employment Services Act,

The Critical Skills Act and the point-based system, 2023, Employment Visas, DoHA, The Refugees Act

National Labour Migration Policy,

Employment Services Amendment Bill,

But NB, Complexity about the MoFNs!

NB: Protection of Human Rights,

Critical Scarce Skills?

HEIs to demonstrate that Employer needs the skills!

Reports which are Driven by data,

- *However, even data is power contested,*
- *The challenge of the Data-Information-Knowledge-Practical Wisdom Chain*

- ??? Simplifications (Structure, Culture and Agency)

The EE/A and the EE/S Amendment Bill, The Main Points about the MoFN Cases

“Your are breaking the Law”; “You are using the narrative of the Critical Scarce Skills in order to push your Agenda, to marginalise the Other!”

- *When employment is not a neutral and a values free project,*

- *When employment is not asocial, apolitical and a-cultural!*

  "When the Laws can get lost in interpretation;

  "When the Laws can get lost in Transformation!"

  **Getting the academic project, including corporate governance and leadership can get lost in "power contestations!"*

Engaging the interplays of structure, culture and agency

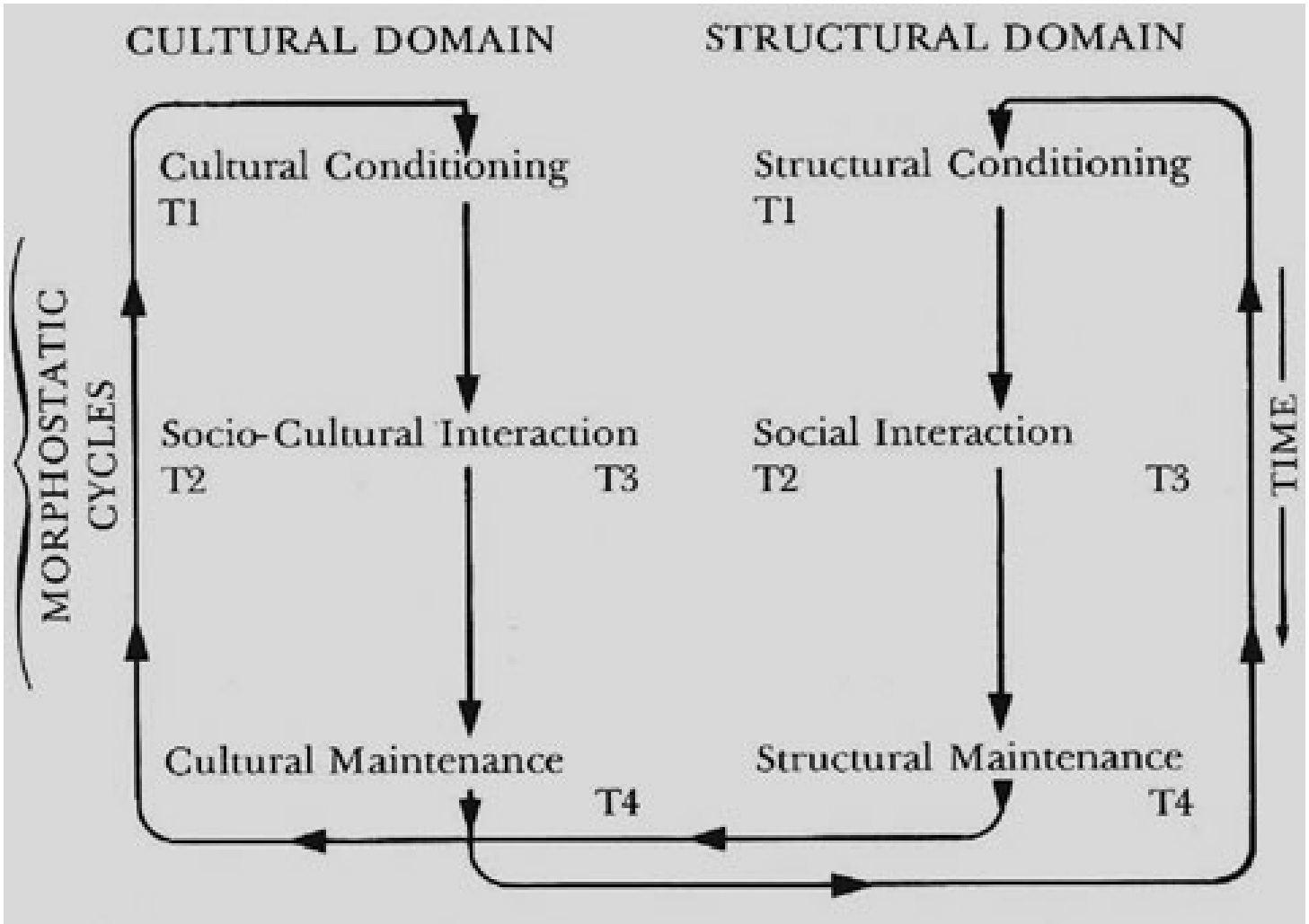
- **A Structure/Structural System**,
  - Roles, Functions and Responsibilities; Policies, Strategies and Procedures,
  - A structural system is not always the proxy for the actual results

- **A Culture/Cultural System,**
  - Values, Norms, Standards,
  - A cultural system will always be contested in power relations and in the materialist interests

- **Agency/Human System,**
  - Choices and None Choices,
  - Life is about choices, and even none choices are choices!

Thus offer ideas, for further deliberation, the context-specific, the concept-dependency, and the actor-driven, as the conditions of our actions!

Morphostasis: Predominant habitual action, and low reflexivity (Archer, 2010: 281)



Thus, question the Transformation Project as the Politics of Knowledge!

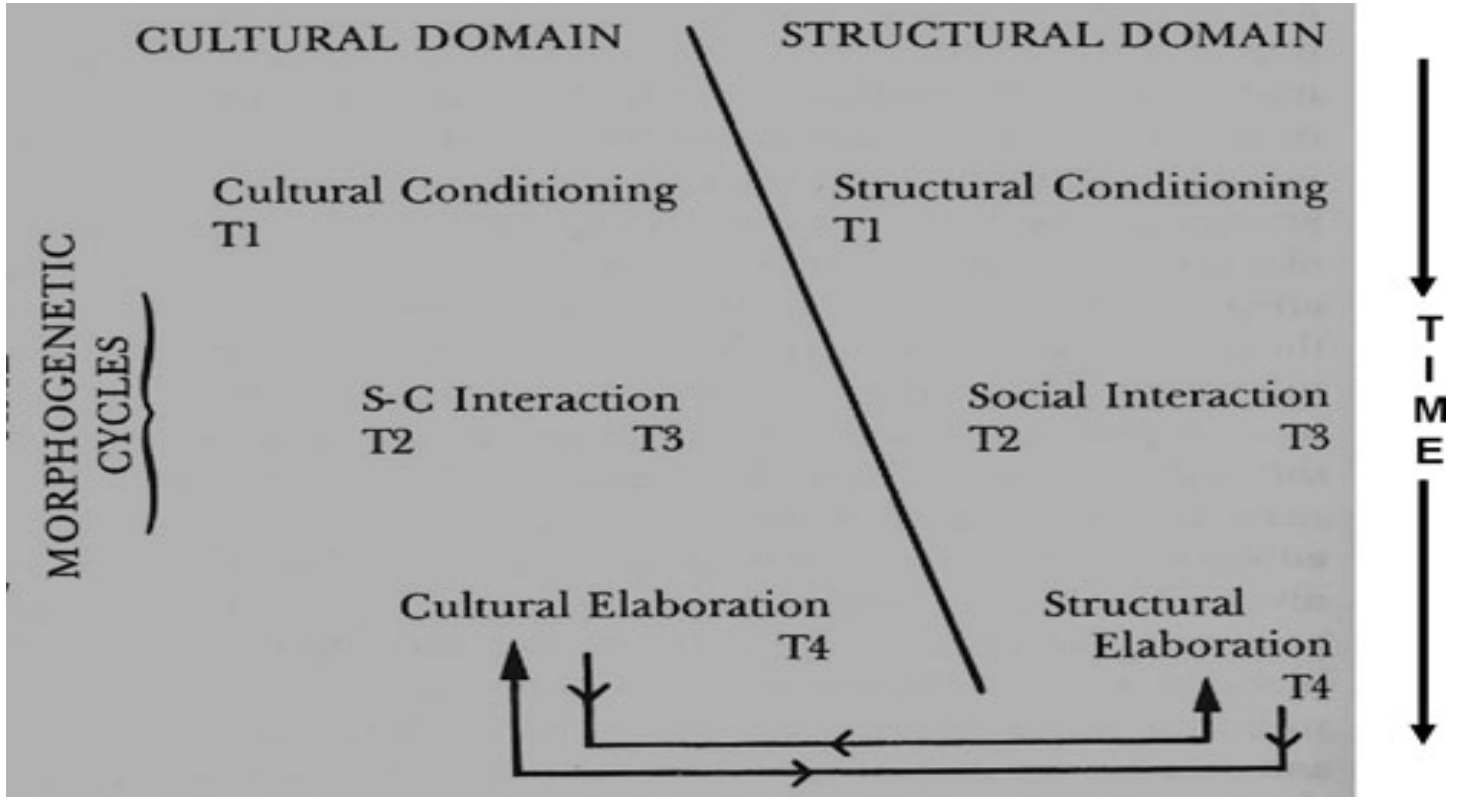
The HET Project in RSA,

- *Academic Freedom, but Responsibility to each Learner?*
- *Institutional Autonomy, but Public Accountability?*

Critical Scarce Skills, the elephant in the room/sizalelwe yinja endlwinin!,

- *Transformation, but Equity?*
- *The Quality of Life, but the Equity of Access ?*

Morphogenesis and reflexivity (Archer, 2010: 284)



Navigation, Objective 2: Exposure about other dimensions about the cases

The Four Principles of Being a Leader (Dwayi, et al, 2025),

a) ***Integrity,*** Integrity is the basic principle that holds everything together. In simple language, when the integrity of the messenger is in question, no one will believe the message! Leaders who demonstrate integrity are transparent, trustworthy, and consistent in their words and actions.

b) ***Authenticity,*** *"Being authentic is being and acting consistent with who you hold yourself out to be for others (including who you allow others to hold you to be), and who you hold yourself to be for yourself"*

c) ***The Power of Taking a Stand on the Matter,*** Leaders who are willing to take a stand demonstrate courage, conviction, and a commitment to their values

d) ***Living for a Vision that is Bigger than Self.*** "Heroes are ordinary people who are given being and action by something bigger than themselves".

Addendum to the Keynote Address

The RAEI plenary of 8th October 2026 then reflected on two main points,

- *Firstly, the significance of ensuring that the due process in the employment of the FNs is adhered to,*
- *Secondly, how the HR practitioners can be complicit in some controversies about staff employment, by their inaction, when they should have acted.*
- *Therefore, the subsequent details elaborate on these two reflective points for illustrative purposes only.*
  - *Slides 22 to 27 provide more details about the events and processes about the case (Slide 8), when the concept of FNs can be mired in the politics of higher education.*
  - *The details constitute the opinions and experiences of the author as an illustration of the concept.*

Staff Employment Relations, for Brutality and Bullying?....01/03

Slide 16 referred to the critical realist position that, Policies as not the actual proxy for the intended results, structural system, due to the contestations along power relations and materialist interest

- *Per the UNEC case (Pseudonym), the Policy Breaches,*

  a) Policy on Job Upgrading,

  b) Policy on the Executive Managers,

The apparent points of contestation as a cultural system,

a) PhD, as a minimum qualification and thus elimination, when the incumbent had been doing the job for more than 10 years (from the establishment of the Centre to it being celebrated for excellence with recognition institutionally, nationally and international),

b) The financial cost of bringing a Council member, to preside over shortlisting and interviews (as if policy implementation would be conditional upon financial availability)!

Staff Employment Relations, the spaces for Brutality and Bullying?.....02/03

- *NB: How the VC and EDHR roles make for talent management to be contested in power.*
- *Similarly that the Investigation Report declared VC 1 had usurped Council powers, which abdicated it, the VC 2 did same to the HR Director, who also relinquished his powers rendering himself manipulated and useful to the systems of domination of control.*
- *As the same the PCO-HET argued about the case of FNs (Slide 13), "Change the Policy/Law to drive your Agenda", the VC would have to change the Policies in order to achieve his Agenda. He didnt, but opted to Bully and Brutalise the HR system, with impunity.*
- *Thus, these forms of MLG system (bullying and brutality) would continue under VC 2, reflecting how more of the continuities than discontinuities from the old regimes of power and truth!*
- *VC 2, summoned EDHR, and Labour representatives, and instructed the removal of the Complainant from the Sen Mngt team of the University,*
  - *The failure of which would make her to meet the Complainant in a Court of Law!*
  - *EDHR did not object, ideally in defence of HR policies, but went to enforce the decision while Labour conveyed the decision to the affected, giving no option to object.*
- *As VC 1 would exit under strange circumstance not clear to many, similarly, VC 2 did not getting 2nd term due to poor employee relations, among other factors.*
  - *The tragic events during the final year of the VC 2 term led to a Commission Inquiry on the Leadership Crisis facing UNEC.*
- *After the first term of employment (From February 2019 to January 2024), the FN didnt get the expected 2nd term, as the post was downgraded, but still with a Doctorate qualification, reflecting not only inconsistency but serious forms of contradictions.*
- *Slides 25 to 27 map out the events and processes, in order to indicate role playing in the case against the leadership foundations (Slide 20),*

Staff Employment Relations, the spaces for Brutality and Bullying?....03/03

- *While VC 1 could be seriously implicated by the IF Report, about the misuse of the powers delegated to him by Council,*
- *VC 2 would further complicate the matter by targeting the main complainant in the case,*
- *How the VC 2 would exit the system in December 2020, few months before his term expired (March 2021) would be mired in the controversies as implied by the following News Article of 27th November 2020 the time,*

"UNEC principal is being probed over property deal", Earnest and Young Report to the UNEC Council, 27th November 2020.

Role Players in the Case, Engaging Talent Management as Pretence, Grandstanding and Political Posturing

The Office	Period/Duration, and source documents	Sins of Commission or Omission	The Weighted Finding on the basis of a Leadership Principle (Slide 20)
The VC of UNEC, March 2016 to December 2020	*The IF Investigative Report Finding, "The VC usurped the Council Powers which the Council also abdicated them!"*	*For allowing the obfuscation of the Council Minute, "Investigate whether the university policies have been adhered to in the employment of the said Senior Managers"*	*Lack of Integrity; Inauthentic EM practices*
The VC of UNEC, January 2021 to December 2025		*For opting for a safer route, that is, "Whether the Complainant will win the case against the University if he opts for litigation"*	*Lack of Integrity; Inauthentic EM practices,*
EDHR, May 2018 to date	*Presided over the case under the 2 X VCs, 2018/19 to 2025*	*1. For not only undermining due diligence in staff appointment (Policy breaches, VC 1) but also for influencing the Legal Opinions (on the Litigation Route, VC 2),* *2. For the lack of courage by carrying out the instructions of VC 2, in particular.*	*Lack of Integrity; Inauthentic EM practices*

Role Players in the Case, Engaging Talent Management as Pretence, Grandstanding and Political Posturing

The Office	*Period/Duration, and source documents*	*Sins of Commission or Omission*	*The Weighted Finding on the basis of a Leadership Principle (Slide 20)*
DVC Institutional Support,	*Appointed on the mandate of proving leadership on Grievance and Complaints Procedures*	*Went on to frustrate the Recommendations of the Report at Council level, instead of engaging the case per his remit*	*Lack of Integrity; Inauthentic EM practices*
Registrar 1, 2018/19 to 2020,	*The Policy Custodian for the University and Secretary of Council, incl. accurate record keeping,*	*IF Investigative Report, for the failure to ensure adherence to the Resolution of Council per the Minute of November 2019.*	*Lack of Integrity; Inauthentic EM practices,*
Registrar 2, As continuity of the case, 2021 to 2025	*For leading the obfuscation tendencies about the case which resulted in two Legal Opinions concurring on what was not the original remit.*	*For the guts to admit publicly how he and his likes were utilized to achieve the personal agenda of VC 1, with tragic consequences to many!*	*Lack of Integrity; Inauthentic EM practices,*

Engaging Talent Management as Pretence, Grandstanding and Political Posturing

The Office	Period/Duration, and source documents	Sins of Commission or Omission	The Weighted Finding on the basis of a Leadership Principle (Slide 20)
NEHAWU Secretaries	*May 2018 to 31st January 2025 (at the time of leaving the employment),*	*Obfuscation about the case which resulted in two Legal Opinions concurring about Litigation instead of the original Council minute*	*Lack of Integrity; Inauthentic EM practices,*
IF Chair, 2020/21 – 2022/23	*Per the Investigative Report*	*IF Chair commendable for handling the case all the way to the point of a Recommendation re Restorative Justice (List of Ref),*	*The Power of Taking a Stand on the Matter; Living for a Vision that is bigger than self*
IF Chair, 2023/24 – 2025/26	*Per the internal communication about the Annual Report of 2024*	*The Chair would compromise the principle of Taking a Stand on the Matter for Restorative Justice and thus resulting in discontinuity of the matter on the Agenda of the IF,*	*Lack of Integrity; Inauthentic EM practices,*

To illustrate the point about Staff Employment Relations as the Hunting Ground for Brutality and Bullying, the French philosopher.

"The oppressor wouldn't be so strong if he did not have accomplices among the Oppressed"

(Simone de Beauvoir, French Philosopher),

We are dealing with "The Pretenders to the Throne"

(Dwayi, VM, 2021),

"Sithengiswa yimigodoyi, amajendevu, ooZankqenkqe nooMahlalesangweni",

From,

"The Decolonial Praxis: Beyond the Politics of Elite Democracy/Respectables" (Dwayi, VM, 2026: A),

Reflection and Integration

- *While UNEC had the required policies on staff employment, per the Institutional Forum Investigative Report, such policies were not the proxy for the actual results, at least per the case under investigation.*
- *It would be at the point of conflicting and contradictory beliefs between the policy objectives and the abuse of powers by Executive Management that some staff members would be victimized under the ploy of excellence and the pursuit of meritocracy from which some "foreign nationals" would benefit (Slide 8).*
- *The IF Report about role playing per the case under analysis in this presentation allows for understanding the value of systematic and principled investigation on how Policies and Procedures about staff employment, while necessary, remain inadequate due to the value systems of the policy implementors.*
- *Slides 23 to 25, under the sins of commission or omission, indicate the patterns of phenomena about the MoFNs, by showing that causal processes about inclusion/exclusion are operating at various levels of of management systems (MS: executive management), with serious implications both to governance structure (GS: university council) and academic leadership (AL: HoD).*
- *The MS is the level where the Human Resource/Talent Management Directorate seems to be seriously compromised, albeit with complications by other structures (Registrar re Policy Management and DVC Institutional Support re Complaints and Grievance Procedures.*

MoFNs and Restorative Justice

- *The case as alluded to in this addressed commenced in May 2018 all the way to the time when the Complainant left the employment, in January 2025.*
- *With the power of hindsight, the events and processes over this period allowed the Complainant, and thus as the researcher on the matters of governance, leadership and management systems in higher education institutions, not only to reflect clearly about the case, but for many others which could belong to this category.*
- *The key insight from the case was the ability to identify the structural mechanisms which continue to generate such events and processes (of disadvantage, exclusion and marginalisation) in time and space.*
- *Slides 23 to 25 indicate role playing: the actions that the Actors took, as evidenced in organizational records, as the events played out in the case.*
- *Seven years after the event, the question remains whether given an opportunity, the listed Actors would make the similar choices?*
- *However, what remains a point of interest for a potential knowledge project, is the approach that is not only about consequences management, and restorative justice, but also provides insights such that those events are not repeated in future!*

Consequences Management and Restorative Justice



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Scholarship Advancement Section

Per Slides 13 to 14, the Legislative Framework as a Structural System. Such a system is not only about employment matters under the Constitutional Democracy and the world celebrated Bill of Rights in South Africa

Such a structural system, as evidenced in this presentation, also constitutes what critical realists understand about the idea of being, what can be the unintended consequences in open and complex social systems,

> *"A crucial implication of this (idea of being) is the recognition of the possibility that powers may exist unexercised, and hence that what has happened or been known to have happened, does not exhaust what could happen or have happened" (Sayer, 2000: 12)*

- *For such organisations as the Remuneration Association for Educational Institutions (RAEI), this presentation calls for what could be exploratory, reflective and even evaluative studies on the unintended consequences of the current Legislative Framework (Slides 13 to 15) on staff recruitment, employment and retention.*
- *Such a study would surface the implications of talent management to the value of the knowledge project in the South African Higher Education sector, as also indicated elsewhere,*

> *"Engaging Emergence in the Knowledge Project: What does it mean to be a Globally Engaged Academic? (Dwayi, 2026).*

Way Forward and Conclusion

- *Higher education and training (HET) is about the Public and Common Good! What remains contestable in power and social relations, though, are the goods available to the bona fide South Africans!*
- *While excellence in HET is a necessity, what is beyond repute, and thus reproach, is the context of historical and structural disadvantage, which, calls for ensuring the balance between meritocracy and equity!*
- *Graduate-ness: Confidence in what one is good at (Meritocracy), but Humility in advancement of Human Flourishing (Social Justice and Equity/Epistemic Justice),*
- *Thus, the MoFN phenomenon is about the Politics of Knowledge, especially in the HEI context*
  - *At cultural and human systems: Ensuring that transformation is balanced with equity,*
  - *The Quality of Life, with the Equity of Access!*
- *The HR Professionals, of which RAEI are members, must learn to reclaim their identity and professionalism for the defence of integrity and authenticity in the knowledge project of which higher education is a custodian.*
- *The HR Professionals must continue to defend the ethics and morality of the field by understanding the power of taking a stand on the matter while organising the profession as a whole to have actors who can live for a vision that is bigger than the individuals involved.*

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