

Peter Rutsch

LRC Oral History Project

10th September 2008

Int This is an interview with Peter Rutsch and its Wednesday the 10th of September (2008). Peter, on behalf of SALS Foundation we really want to thank you for agreeing to participate in the LRC Oral History Project. I wondered if we could start the interview if you could talk about early childhood memories, growing up in South Africa, and where you think your sense of social justice and injustice developed?

PR Phew, ja. I was born in Johannesburg, in 1941, a long, long time ago. My parents came to this country from Switzerland, independently of each other. They met here, got married, and I was born. And initially we lived in Johannesburg, and then, when I was about nine years old, we moved to KZN, or, what was then Natal, and we lived in the Natal Midlands. And lived a typically white South African existence; black people didn't exist except in the distance. And, I went to the local school and then went to Maritzburg College, which is a government school, but quite a prestigious sort of school in the province. And ja, and then I went on to the University of Natal, did a BA, initially not sure what I wanted to be, so, I just, sort of, did a BA degree and then came to work here in Durban. And it was while I was down in Durban here, that it became clear to me that one needed to get a bit of a direction in life, I was a piss-cat, (*laughter*), we had...you know, just a social animal and...But, slowly things began to focus and I went back to university to do a law degree. And while I was at the university doing the law degree, I was doing Articles at the same time, and began to bump up against the Group Areas Act. There was primarily...the firm that I did the Articles with was an old established Maritzburg firm, and was racist to the core, but, a large percentage of their clients were Indian people in Maritzburg, and I got to know some of them very well, on a personal level. And began to ask myself: well, where's the difference, and why was I...why was I supposed to be better and have a better way of life, and so on? And then the Group Areas Act began to become relevant, applications for permits, people being evicted, and I began to realise the injustice of it. I then joined the Progressive Party, of all things, which believed, at that time, in a qualified franchise, I mean, when I think of it now, it's a...it's a shocking sort of thing. But, that was, you know, coming from a fairly, sort of, conservative white orientation, my parents supported the United Party at the time; there was an English/Afrikaans divide and we were very much conscious of that. One of the interesting things of belonging to the Progressive Party, particularly when Colin Eglin became chairperson, or leader of the Party, he required us to become...to get to know black leadership in our areas, I was chairman of the branch in Pietermaritzburg, at the time. And as a result I had to go...we made contact with black people in Edendale, which is outside Pietermaritzburg, and again, one was constantly challenged. I became involved in the Institute of Race Relations as well, and you had to justify it, and at the same time you were living in a white environment, I was married and began to have a family there, and the friends and the social environment was very much a typical white silo kind of approach, and I was getting pulled in different directions. And then, in the seventies, when the Trade Union Movement began, I somehow got involved with the advice office that was set up in the old...in the Community Development building in Maritzburg, where the unions were based, the old TUACC Unions, T.U.A.C.C., at the time, if I remember correctly. And ja, again, you know, constantly having to deal with it, then you'd go back into your home environment and there was this constant tension. And eventually it all just blew up, and I...my marriage broke up,

and I went off and went to Swaziland at the time, to live. I married an Indian lady and we lived in Swaziland for a while. And then, when I came back here, Chris Nicholson, who was then the director, whom I'd known, we'd done Articles together in Pietermaritzburg, he 'phoned me up and he said: look, I get the impression you haven't got a job, would you like a job? And I came down, and that's how I got involved with the LRC.

Int Right, fascinating. (*Laughter*) I'm going to take you right back, in terms of growing up in what you called a typical white family, etc, in terms of political understanding and conscientisation and discourse, where do you think you got your most influences from, prior to having...met clients of different race groups, would have...would it have been the newspapers, would it have been family discussions, peers?

PR My parents weren't political. My father and...both of my parents were racist, I mean, my father used to have books at home on the fact that black people were genetically, and so on, inferior, I mean, it's...it's a shocking thing to have to say, but, it's...it's...it's reality.

Int There's a whole history of eugenics...

PR Ja, all that sort of garbage. And my brother, strangely enough, joined the...he's younger than I am, he joined the Air Force, he had to do his military service, and he went to the Air Force, and became a permanent force member and did a career in it. So there's always a tension in the family. My other, sort of, political education was in the United Party, because we were...the people in our...whose social community were connected to the local MP and the local provincial council, were all people of the community. And...ja, when I eventually joined the Progressive Party, I was ejected from the community, from that social environment, you know, people that we'd grown up with, and they...they suddenly wouldn't be as friendly as they were before. And it took a year or so, before I discovered that the reason was because I was now involved with the Progressive Party, and writing letters to the newspaper, and...but, I mean, it was such right wing stuff at the time, that...But, you know, slowly you...it was a journey that had taken twenty years, and I think even when I joined the LRC, I was still on that journey of...of beginning to understand black politics, and what black...what real politics in South Africa was about. It was a slow process.

Int When you said that initially you had done a degree, but you really went back to law because you felt that things could have been different. I'm wondering whether you, at that point, thought that law could be an instrument of social change, particularly in the context when you studied?

PR No, not initially. Not initially. It wasn't what motivated me to become a lawyer. I just happened to have friends who were doing law, and I need...and I was working for a tyre company at the time, selling tyres, and it wasn't very satisfying, I needed something more focused. So I went back to do law, and it was, you know, as I say, while practising law...and I can remember one very clear case where an old man who lived in a white suburb, but, in a forested area outside Pietermaritzburg, away from

the community, and he had twenty acres that he'd bought at some stage, I don't know quite how he got it, but he had it. And he grew flowers, and he had a wife and a daughter, and they evicted him and they offered him a house the size of a postage stamp in an Indian suburb that had just opened up in Maritzburg, a housing scheme, which had no ground, where he couldn't do anything. And when we argued that, you know, you had to give the man an equivalent opportunity so that he could ply his trade, they wouldn't, they just...I mean, it was harsh. And then, you began to talk to people about what it was about and, you know, there were people in the Indian community who would say to me: look, don't upset the apple cart, we are comfortable, we had a bit of a rough time with Group Areas, but we're fine, we don't have to go into the army, but we're living ok. And others who said, no, this is happening, and now you had to put...you had to justify your beliefs. And it was through that process that your ideologies began to change and your attitudes changed.

Int So, when you went back to university, I presume you did an LLB?

PR Ya.

Int Were you involved in student politics like NUSAS at all?

PR No.

Int Right, ok.

PR No, no, I was in fact...I was a very naive little boy then, and I still think I am, to be frank...

Int *(Laughs)*.

PR ...in many ways.

Int Right. But, the time when you were at university would have been the late sixties?

PR It would be...ja...was the late sixties, and that's when I got drawn into the trade union. I remember exactly how it happened, because it was November something...one November when I think they banned a whole lot of guys overnight, there was a huge...And quite a few of the guys had been banned in the Maritzburg...trade union organisers. And so, I just got in my car and I went down there, and I said: look, you know, something needs to be done about it...whatever I can do. And the Black Sash had an advice office there, and they said: please come and help us. So, I began to help there. I'd been involved with the child welfare in Pietermaritzburg, I'd been asked by the child welfare, white child welfare, to come and be an advisor to the black child welfare sub-section, type of thing. And I met a very, very remarkable lady there who had a very strong influence on me, Rosemary Sokhela I remember her name is. And,

you know, she was carrying a burden, a case burden which far exceeded any of the white social workers, and they...she was getting a fraction of their salary. And she talked to me about this, and then one day she said, she actually went to Ghana, and she came back, on some church thing, and she said: I've seen what's it's like in the free South...in the free world, I'm leaving. And she went off, and I remember arguing with her. And years afterwards when I went...when I was here at the Legal...I went to America on a land tenure course, and while we were in New York, we went to visit her. I didn't know it was her, but, one of the guys was related to this woman, and we went to visit her in the flat. And she came to me and she says: I know you. So, I said: no, I don't recognise you. Because obviously, it was twenty, thirty years ago. And she said: I was Rosemary Sokhela. She'd now reverted to her African name, and I fell off the chair, I couldn't believe it. But, you know...

Int That's an incredible story.

PR Ya, it was remarkable.

Int Gosh.

PR And ja, that...she had a huge impact on me. So, it was all these, sort of, factors. But, I didn't get involved with student politics. I was very friendly, or, I had a lot to do with Alan Paton and Edgar Brookes and the Liberal Party people. When the Liberal Party closed down, I was a member of the editorial board of a magazine called 'Reality' that the Liberal Party, or the people in the Liberal Party, ran. So, I had a lot of interaction with them. But, I also remember, with shock, going to an Institute of Race Relations meeting in Johannesburg at some anniversary, and Desmond Tutu, I think he was then bishop of Johannesburg, came and addressed us, and on the walls were pictures of all the famous old liberals, the Hoernle's and the Ballingers and all those sort of people, and, they were the sort of people that I was now beginning to read about and to find out what their thoughts were. And he said: we respect the liberal tradition, but all you're doing is making our change more comfortable. And now, Helen Suzman was one of the heroes that we were associated with at the time, and I looked at her and they said the same with her. And it made me think, and when I went back to Maritzburg, I remember hav...going to a meeting in Edendale, an African...they had an Ecumenical centre there, and I went to a meeting there and again, young Africans began saying, you know: why is Helen Suzman such an important person, she's actually not achieving anything, why...And I had to now come to terms with that, I had to make sense of it, and that's...those were the sort of things that began to...But, again it was an intellectual exercise, it didn't translate into anything serious except going to the trade union office. And I began to...before Jay Naidoo became the organiser and then Geoff Schreiner, who subsequently became quite prominent in the trade union. I started teaching people about trade union, getting workers together, so, getting more and more involved in it. And trying to feel my way.

Int Sure. I'm also wondering in terms of key historical moments, for example 1976, were you in Swaziland at the time, or...?

PR No, I was in Durban...I mean in Pietermaritzburg.

Int Right, ok. And your experiences of the late seventies in particular before you left?

PR It was interesting, Harry Pitman, I don't know if you've heard of Harry Pitman, he became an MP, he was an advocate in Johannesburg...in Pietermaritzburg, and he was one of the first PFP MPs that went to Parliament, at the time Van Zyl Slabbert and all that crew got into Parliament. And he was def...he defended Strini Moodley and Saths Cooper at that trial, and he came back and talked about what these guys were talking about, I didn't realise that subsequently I'd work with Asha Moodley (Strini's wife), whom I revere. And he'd met Steve Biko who was one of their witnesses at that...at that...in that case, and talked about the qualities of the man and things like that. And those sort of events were...had significant effect. And also, you know, going into the trade union movement, and then suddenly meeting black people who were...whose qualities were tremendous, I mean...um...ja. So, it's all these sort of challenges. I remember sitting at a workshop for trade union organis...for tra...workers, run by Alec Erwin, and the meeting just went on and on and on and these guys wouldn't let go, and you realised, you know, what you'd been taught as a youngster and the histories you'd been taught, was a load of bunkum, and it's actually quite a shock. Because, again, you know, you'd go back into your own social environment and you'd try and articulate that, and you'd be shot down, you know, by people who hadn't travelled...begun that journey. And ja broke my marriage up and established social environment.

Int Gosh, right, ja. So, by the early eighties you were in Swaziland, would that be correct?

PR I went to Swaziland in '82.

Int Right, and then you returned in '86?

PR '85.

Int '85, ok.

PR Ja, and I went to Marit...back to Maritzburg and I went into partnership with Herbert Msimang, the judge who gave the (Jacob) Zuma judgment, he and I went into partnership, but it didn't work out. You couldn't get going in Maritzburg, not the partnership with him, we're still great friends, but, I needed to get to another centre ...I had to get something else.

Int Right, ja. So, it was fortuitous that Chris (Nicholson) contacted you?

PR Ja.

Int Had you considered Public Interest Law prior to that or had you had much...of course you'd had the trade union movement experience, and the advice office experience, but something in terms of Public Interest Law, was that something that you'd particularly been interested in?

PR ...Ja, I was aware of the Legal Resources Centre and Chris (Nicholson)'s involvement with it and...it...it...I was...it's very difficult to sort of, articulate it, you know? Like I say, I was in a social environment, with family and kids, and what have you, on...in one environment, and then going on Saturday mornings down to the trade union office, and in the evenings to a church in Howick and talk to...and one gets pulled, and I was very...never sure of where I stood. In fact, at one stage, the trade union movement asked me to move to Durban, to start a practice in Durban, and the idea was that they would support the practice and enable people like Halton Cheadle and others, to get their Articles and become...and start that whole process. This was in...this was...hell, it must have been about late seventies. And I thought long and hard about it, but I didn't have the courage to do it. When I think back now, I regret it unbelievably, but, at that time, you know, I had a mortgage bond, and all that sort of garbage, and I didn't have the courage to take that step, the journey hadn't gone far enough, if I can put it that way. So I didn't do that. And, ja, I...ja then...slowly but surely...and then if Chris (Nicholson) hadn't 'phoned me, I don't think I would have come into Public or...it was stumbling into it rather than pro-actively looking for it. I'd be lying if I said I was...

Int But, you got into the Legal Resources Centre and you'd heard of it prior to that, but you also joined at a time when there was all these key victories against the Pass Laws, so Rikhoto, Komani, Mthiya, did you feel that, by joining the Legal Resources Centre, you could actually garner those legal victories against an apartheid state?

PR Ja, it took a while to understand it. The benefit of joining the Legal Resources Centre is that you could practice law without having to worry about all the administrative and financial hassles that go with it, so, you could focus on particular areas of work. And I'd been involved with AFRA, which is a...which had been established when the Liberal Party folded up, it was established to monitor land removals and work like that. Peter Brown was very much involved with it, and they came to me and I drafted a constitution for them, and was the elected chairperson of it, initially. Cheryl Walker...I don't know if you know Cheryl Walker, she was the first Land Claims Commissioner, she's now Professor of Sociology in Cape Town...she was the first person that they employed, and there was quite a bit of interaction with her around the removals, and things like that, so, and because I was a conveyancer in practice, land was an important thing in my life, and so, I tended to move in that direction when I came to the LRC, around evictions, squatter removals, and things like that. And, one tried to naively persuade the authorities that, you know, that a) the law should be used to benefit people, but, more importantly that somehow you had to get them to understand that what was going...what you were doing was wrong. So, throughout the years that I worked for the LRC, I wasn't much of a court, kind of, lawyer, in the sense that I would rush off to court, my sense was more in terms of trying to find ways to negotiate, and it's still my way of practising now. For example, you had, so

the farm workers would be evicted up in the Vryheid area, so, we'd go off to Vryheid, find out what the facts were and then, one would go to the police and would go to the autho...provincial authorities and the KwaZulu authorities and say: look, people are being evicted, you can't just...they don't disappear into thin air. The same in Durban here, the police would evict people from their homes, you needed to find places for them to stay. So, there was a...my interest was more to try and emphasi...to try and find a way out of it. And, to a limited extent, one began to start making some headways amongst the politicians who began to realise that, you know, what was happening at the time, was not the...not...it was the beginnings of the breakdown of apartheid that the state could no longer corral everybody into their...their own areas and people were beginning to move into this area here, and Albert Park, into a lot of the townships, they would come from rural areas and settle there. And so, I tended to get involved in that sort of thing, initially in the urban context, and then in the rural context.

Int Right ja. So, from '86 to about 1990, the predominant work you did was around evictions and...?

PR A lot of the work was then...ja...in evictions. Also a lot of that was during the State of Emergency, and you spent a lot of time up at the prison here, trying to find people, you know...

Int ...detainees?

PR ...ja, somebody would 'phone up and say: my son's disappeared and my daughter...and then you'd start going around to the police stations and, you know, then...on that basis I was involved in bringing applications to court to get people out of jail, and stuff like that.

Int So, did the nature of the work change when transition started...in 1990, when apartheid formally ended, did you find that the nature of the work changed, or did you find that it was pretty much the same?

PR It changed for me. Initially I...when...when, in the early...there was doing a lot of the Emergency, sort of, work, and then began to get involved with squatter movements around Durban, where people were being evicted from, and bringing applications to court, and stuff like that. And then I went overseas, it must have been about '89, to Norway, for a month. And while I was away, Nzo Mdladhla, one of my colleagues, had began to take over a lot of that work, and when I came back, AFRA called me up to Maputaland, which is up in the northern part of KwaZulu-Natal, where there was conflict between conservation, the old KwaZulu Government's Conservation Department, and local communities, and they were being kicked out for...to make way for conservation. And I got involved in that sort of work, and so, my focus shifted away, to rural work, that would have been in 1989/90, thereabouts, and, went...we talked about the holistic approach to law was to say to people...I got inv...when I was in Norway I came across an article in some journal by a guy called, what was his name, Dias or something...Christopher Dias (Clarence Dias, Director, International

Center for Law in Development, New York and James C N Paul, Professor of Law, Rutgers University. (See also below). There were two of them, a guy called Paul and a guy called Dias, who ran something in the States on participative law, a legal resources thing, I don't know if you've heard of them?

Int No, not at all.

PR And this article influenced me tremendously...

Int Really?

PR ...because what they talked about was that when you're acting for clients for...for...particularly communal clients, groups of people, your function was not to simply be the lawyer and say: you can do this, can do that, and directly operate, your function was more to inform them, to educate them, to tell them what their...what the law was, what their options were, and what they could do with that. And then let them make the decisions. And it was actually quite interesting how that worked out in practice. There was a lot of invasion of townships. What was happening in the late eighties, early nineties, in the townships around Durban, was that the youth were taking control and were running the show. And, I mean, they now call a road in Amanzimtoti after that guy, Masondo (actual reference to Andrew Zondo). And I remember at the time that he was sentenced to death, the amount of emotion that that created amongst the young people, and I used to drive around at night to meetings with them...as to...and my function was to say: the law is XY and Z, and you then make a decision. And when I tended to get a little bit bombastic, as lawyers have a habit of doing, they used to say: shut up, just...we want to know what the law is about this, we'll make the decisions. And I liked that, that was a great way of doing it, and so...And I did that, you know, in amongst the...sort of...when I went to townships and we spent a lot of time talking to youngsters, and not doing anything in the sense of...of milestones and saying, you know: this is happening now, we've won a court case, or not...But, I bump into guys now, who are in government, or whatever it is, and they say: you know, you came and spoke to us in 19 whatever it was, we remember it. And also I tried to do that in the rural areas, and what we were trying to do up in Maputoland around this, sort of, conservation issue, was to create institutions which would enable people to mobilise the community to undertake developments, sort out their problems and hassles like that. We weren't successful, I mean, it...because, you know, you'd set up...a group of people in an area would say: you need to have a structure through which we could promote developments. So we'd set up a trust or a Section 21 company, but it didn't have any meat to it that could make it work. We didn't realise at the time, there were no maps to tell us how to do it. So, we bumbled about, we struggled about. Now, when I go back there, bump into people, they say there was value attached to that, because it enabled them to begin a journey of their own, to begin to realise how things worked, and how government worked. And one of the things one had to talk about, was again, land: what were your rights to land? How do you articulate your rights to land? How do you exercise your rights to land? It was that sort of thing that I tended to do more than other ones.

Int Sure. When you got to this office, Chris (Nicholson) had really started this office independently with its own set of funding, and I'm wondering how that in some ways directed the office and made it different from the other offices, the other regional offices? What was your sense of the organisational dynamic of where the Durban office stood in relation to, perhaps, Johannesburg and National Office?

PR I got the sense that we had an independence of action. Chris (Nicholson) was a great guy. He and I ended up not best of friends, he thought I was an agrarian reformer rather than a lawyer. We had a difference of opinion as far as that is concerned, and that's ok, it's one of those things that happen. But, he's probably got one of the finest legal brains that I've come across in the years that I've practised, and I've been around a long time. And he also was very independent in the way he did things, he had a clear vision of where he...I mean, the publications he produced, I'm still using today, you know, on a fairly regular basis, because they were so good. And he made a huge impact in that respect. His...the other advantage to a guy like myself, was the fact that he gave you quite a lot of space to move around in, so, you know, you had to report what you were doing, but, he wouldn't...he...he didn't say...he didn't dictate to you what you had to do, and I liked that. So, it gave us the space. And I think, I got the impression, when I talk to colleagues from other offices, that that wasn't always the case there, I mean...

Int Right. I'm wondering what your sense was of the change, for example, there was a greater transition in the country, there was also an internal transition, because Arthur really left, and he was helping with the Constitution, and then he left in 1994, and I'm wondering towards the latter part of your stay, what your sense was of how the LRC changed, more fundamentally and more broadly?

PR I'll try and remember...you know, it became more bureaucratic, that's one of the things. A lot of the fire...One of the exciting things about having joined the LRC, it was in 1986, I think it was about a day or two, I came here to...before the Emergency was announced, and you jumped right in and 'phew', and away you went. And it was exciting, I mean, this complex that we have our office in, was a helluva fun place to be. Thoko Didiza who's now a minister, of whatever she is, she was working as a receptionist at Diakonia here, she was an unbelievably wonderful person. The Security Branch would raid, we'd be rushing around talking and doing all sorts of things, because we'd always be called in, and afterwards when they went and everything calmed down, she would call us all together and we'd have a cup of tea and a coke, or something like that, and the thing...it was a very exciting place to be. In the early...and then as the nineties wore on, it was no longer that. The organisation changed, and people began to...to become comfortable in their jobs. And that sort of innovative effort wasn't there any more. And I don't want to blame...I think that anybody...I think an organisation undergoes change, you know, you fly off as it begins and then slowly, things begin to become ordinary, and we didn't have the same fire that we had in the early days. And I think we were all conscious of that. Ja, and it...I find that there wasn't...it wasn't the same interesting, fun place to be. I didn't...I wasn't sorry when I left. Not because of the lack of contact with the people, I'd been very lucky in the kind of practice that I'd been able to build up and the kind of work that I do, and it wouldn't have been possible without having been at the LRC. I

established the contacts in KwaZulu-Natal that I did, in communities, I mean, I can go anywhere in KwaZulu-Natal now, and I bump into people that I've known...that I've worked with at the time when I was in the LRC, because I did a lot of travelling around. And, ja...and I, sort of, kind of, carried on that sort of thing.

Int When you started, Chris (Nicholson) was the Director, and then at some point, I think Richard Lyster was the Director?

PR Mm.

Int And how did you find the difference in terms of management, etc, because Richard (Lyster) really did a lot of the political violence work, if I'm not mistaken, together with Howard?

PR Ja, with Howard Varney. They were...he was very much a...Richard (Lyster) was a much more quieter leader. Chris (Nicholson) was...being Chris (Nicholson), led from the front, if you know what I mean, but they gave you space to be. He knew where he was going, he had a clear vision. Richard (Lyster) was different, Richard (Lyster) concentrated on the work that he did, he did the administration, and, ja, you didn't even know that he was here. But I think he did a good job, I think he did a good job as leader of the LRC, he kept us going. The difficulty was deciding where the LRC should be in the 'new' South Africa. I had a vision that you...the state needed to fund an LRC, and that you needed to have Legal Resources Centres in all the small little dorpies around the country. And the reason for that was not so much because of what the LRC was...being public int...but, the...the justice system that we've got in this...legal aid type of thing, concentrates on criminal and a little bit of civil work. But, people need legal advice on a range of activities, in Ngwavuma, and all the little dorpies, Hlabisa and Ixopo, they need legal advice on how to do things. How to go about buying a house, what does land mean, and all sorts of things, and the LRC could do that. I found that when I went out into the...into Maputaland, and if I was called up on a particular issue, I would do ten thousand other things at the same time. People would come to me and say: I can't get a pension, how do I get a pension? Or: my grandmother's ill and she was knocked over by a tr...a bus, or something like that, what can she do? All those sorts of things, people don't have access to it. And I remember saying to Ismail Mohamed, after he'd given one of his brilliant lectures on human rights, I said: Ismail, it means nothing. Unless somebody in Hlabisa, which is a tiny little dot on the map, can access that human rights, can access the Constitutional Court, they can only do that if there's somebody like I comes along, picks up and says: this is an interesting case, I'd like to take it on. If I don't find it interesting, I'll walk away from it. And that's the weakness of the system that we have, that the Grootboom cases and the...even those Rikhoto cases at that time, didn't permeate right through because there was nobody out in the sticks who could help them. I remember going around to advice offices, we ran an advice office programme here at one stage, we'd go...and there'd be a guy there who's...no legs, you say: what happened to him? Oh, he fell off a train. And what...but, didn't he claim compensation? Ja, some people came and took a statement, but they never did anything about it. And you'd say to them: but, you had a right to claim damages. But there was nobody there to tell them, and so, the vision I had for a system of justice in

South Africa, would be Legal Resources Centre-type organisations, but, it would have to be funded by the state, the cost would just be horrendous. I think they're trying to achieve it now, slowly but surely.

Int But do you not think that part of the Legal Resources Centre's strength was the fact that it was, in fact, independent of funding from the government?

PR Oh, without any doubt, without any doubt. Of course. And they tried very hard to nail us on that, where were we getting our funding from. I remember fighting one...where the IFP said that we were getting funding from...that we were only providing legal services to ANC-aligned people, and we proved them wrong on that, on a number of occasions. Because there were guys doing...and I used to go to Ulundi to the...in the heart of KwaZulu, and at one stage got hold of one of the ministers there and I said: listen, people are being evicted all over South Afri...what are you guys doing about it, you've got all this land in KwaZulu. And then I began to realise how the whole traditional system worked. You couldn't just simply take people and put them anywhere, they had to be tied to a particular chief and things like that. Ja, it was tough.

Int Ok. I'm also wondering, in terms of your leaving, you said that you were actually happy to leave and things had changed; I'm wondering whether you could elaborate a bit about that?

PR I was sorry to leave the people, I mean, as I say, Asha (Moodley) is somebody I revere, she's my lightning conductor. Whenever I'm not sure of what my attitude to something would be, she's the person I come and talk to, because she's got such a clear vision of what's right and what's wrong. And many other...Sharita (Samuel), JP (Purshotam), Nzo Mdladhla, all those people, they were great. I just felt that I needed to get out and stand on my own two feet and try and...but, I had an idea that at that time I could build a practice which would bring in...which would, with my experience and the years of practice, bring in young lawyers and create an opportunity for them to practice a kind of law that I thought would be relevant. You know, I have a son who's now close to forty, but he was an attorney here in Durban working for one of the big commercial firms, he's an absolute capitalist, and, I told him I was going to charge two hundred and fifty Rand an hour, this was in '96, he said: you're mad. He's charging...he's fort...he's much younger than...he was charging three times that amount. And I said: no, because I want to be...I want my practice to be available to people who can't afford the fees that you charge. But, it didn't work, I'm not a manager, I just realized...I brought people in...it didn't work, it fell apart, so now, I practice on my own and I still charge less than most people.

Int It's predominantly labour?

PR No, no, I don't do any labour work at all, mainly land,...I do a lot of work with the Department of Land Affairs, land claims, working for land claim communities. Quite a lot with municipalities, trying to help them to set up their structures and what have you.

Int Right. And how much, since you left in 1996, how much work do you continue to do with the LRC or for the LRC?

PR Initially when I left, the idea was that I would take work...get work from them, and there were a couple of cases that I handled, land claims, and things like that, but it didn't work out, so I stopped. And it's only recently that Mahendra (Chetty)'s now come back to me and said...there was one case, he's come up with another one that he wants me to help them with. And all because, for some reason, I've got a reputation as knowing a bit about land, that it's land-related stuff that they refer to me.

Int And, more generally, have you worked closely, for example, there's Durkje Gilfillan, there's Geoff Budlender in the LRC offices and who've worked very much on land issues, I'm wondering whether you've had more to do with them more broadly?

PR We're on opposite sides of the fence.

Int Ah, interesting.

PR I don't know if you know about that?

Int No, I don't know.

PR I have a huge respect for Geoff (Budlender), I mean, like Chris (Nicholson), Geoff (Budlender) is probably also one of...I mean, I've never met a guy who can articulate something serious in such a very quick and simple manner. And he was a good Director General of Land Affairs, but, not appreciated, I think they shot him down and they treated him very badly. But, there's...there's a...the Department of Land Affairs and the work that they do, has come in for a lot of criticism, and the reason that they're not being effective around land reform, is simply because the government doesn't put enough funds behind it, and they don't put enough personnel behind it, there's a huge turnover, and so, it's a bit shambolic at the moment. I'm sympathetic to that, and...for one reason or another, and it goes back to...I went to the...while I was at the LRC, Geoff (Budlender) was supposed to go, but he didn't go, and I went on a land tenure course to the United States at Wisconsin, and I met quite a few guys who ended up in senior positions in the Department of Land Affairs, and, through that there, you know, I've been drawn into work that they've done, and so, Kobus Pienaar and Henk Smith, again first class people and seriously-minded people and coming up with very good stuff. But, I tended to work with the Department of Land Affairs because I think you've got to try and make things work, you can sit and shout from the outside, and you can take things to the courts, and what have you, and there are cases where that should be done, but, in other cases you've got to help to make things work, and that's not happening. You know, when the Department of Land Affairs was set up originally, Derek Hanekom was the minister, a lot of people, like Aninka Claassens, and what have you, she didn't herself go in, but others went into the Department of Land Affairs, and they did some quite good work. But, there was a

problem in the black/white thing, the transformation, and that didn't...that was never managed properly, and so, they got chunked out and another group of people took over. And ja, ag, it just became a mess, and so I just keep my head down, and I said: let me try, when I can, like the Communal Land Rights Act at the moment is a constitutional challenge, and I've been brought in...I was brought in, at one stage, to assist with the Department of Land Affairs' preparation of their case and done a lot of research for...

Int ...So this is against the LRC?

PR Against the LRC, ja.

Int How do you feel about that?

PR It's ok, I mean, you know, that's what lawyers are about, you know, you have a client and you come up with it. I happen to think that the LRC is wrong in this case.

Int Really?

PR Genuinely wrong, ja, no, and I've analysed their arguments, but, I mean, that's my view.

Int Is it because you feel that it's in the public's best interest to go down the route that you feel you're taking?

PR I think an Act of that kind is desperately required, I think there's...there's massive poverty, lack of organi...lack of planning, lack of development in our rural areas. I come across it all the time when I travel around, I still do a lot of travelling with the work that I do now; I work a lot with communities all over KwaZulu-Natal, and I work a lot with municipalities and I see how they battle to try and do it. There's a lot of corruption, a lot of nepotism, a lot of bad things about this system, but, there are people out there trying to do the right thing. And, you begin to realise that to focus development in the rural areas, you require an Act, like the Communal Land Rights Act, which, to me, is far more of a planning legislation than a land tenure is. It requires people to focus on an area, bring in all the municipal...all the different sort of forms of government, and in ord...and get the whole thing up and running. It doesn't mean that you've got to have freehold title to every piece of land in the country, it doesn't mean that the traditional system is going to be imposed on people, and, in fact, the whole traditional system is undergoing massive changes in South Africa at the moment. Whether it survives the next twenty or thirty or forty years is a moot point, I don't think it will in its present form, I think it's going to change, although in KwaZulu-Natal it's a bit hard to believe that when you talk to them. But, you know, in debates that I have with traditional leaders, and I try and engage them in conversations about this, the system is undergoing huge changes. So, this kind of

legislation will bring a focus of...a planning focus into these areas, and hopefully, bring some sort of relief to the poverty out there, I mean, it's horrendous.

Int I'm wondering when you were at the LRC for those ten years, what were some of the key cases that you took, if you could talk about them...cases that you either found very rewarding or in some ways set some kind of precedent...

PR My... (*Laughter*).

Int I'm sure you found some rewarding?

PR Oh, no, tremendously rewarding. You know, like I said, I wasn't...I've never been a court lawyer, and that's where Chris (Nicholson) and I parted company. He's felt that the only way you could solve problems was by going to court. And, yes, there is a case with that, I think, like for example, the whole environmental scene in the United States, NEMA, or whatever it...the Act there is a very small little piece of legislation, but, it's achieved a huge amount, because the lawyers took it up. So, there is a case for that, but at the same time, the law is the matrix within which people exist, and so, I've tended to work more in that sort of field. And, ja, my own satisfaction was if I managed to get the police to stop an eviction, or if I managed to get people to get...to go back into their homes, and that would often be by going to court, or negotiating with the authorities, to...to stop an eviction. The...to...in the rural areas, was to get people to start talking to each other, we managed to, in Maputaland, get the conservationists to start talking to the people, and as a result of that, conservation changed, and conservation is becoming much more African-oriented now than it was...Western, you know silos, keep people out, and stuff like that. It was achieving those sort of things that...that was satisfying that...that was good fun, ja.

Int Sure. I'm also wondering, in particular, was there one case that you took a long time over, that became very important during your ten years here, you know some people have a case, for example, Richtersveld, as you know, was such a case...?

PR ...I know, or Kobus (Pienaar)'s case, he had dozens of them, he used to come with his one case...I didn't used to...I don't know, it was...it was my agrarian reform (*laughs*) that...that gave me the most sort of...it took a long time. It was funny how it all happened because AFRA took me up there initially, to Kosi Bay, I don't know how much you...do you know this part of the world?

Int Yes, sure.

PR Kosi Bay is a place up there.

Int Right, is that south, north?

PR Just south of the Mozambique border. And, people were being fenced out of the area, being induced to leave, and so on, so, I went up there, got statements from people and began to prepare a court case to stop people being evicted, where conservation was supposed to be...you know, to protect their rights to land, and things like that. And during the course of that, began to realise that there was scope for bringing communities together with conservationists, for their mutual benefit. Because one of the big benefits of conservation in the area is that...up there it would be tourism, jobs and opportu...around that sort of thing. So, we then began to try and find ways of talking to each other. The case of conservation in KwaZulu, at the time, focused on a guy called Jeffrey Vilane, who I was working closely with, a community worker, and myself. Nic Steele, head of conservation in the KZ Government, and said he wanted to achieve certain objectives up there which would be community-based, but he needed to talk, what he called the ANC. And he reckoned the IFP was not going to win any...this was just before '94...the IFP was not going to win up there, and he needed to get the backing of the ANC. So he made contact with Jeffrey and myself and, through that we began to set up liaison committees with communities. As it was, the IFP won hands down, and the ANC lost out. But, it was all that, sort of, trying to build up structures and get people talking to each other around what their legal rights were and how they could enforce...and when you were negotiating, that you had a basis for negotiating, as a community. That you didn't have to just simply accept what the authorities were telling you, that you could kick back and push them back, and by doing that, you were able to achieve something. And it was those sort of things that...and it just grew and grew. As I say, at the time, I often became very frustrated, but, because you didn't see much progress, but over the years things have begun to change, and communities...it was long after I'd left, where you actually began establishing community conservation areas up there which are allied to the...to...what's...to formal protected areas and the benefit is that people are getting jobs and opportunities, and things like that.

Int Ok. Peter, I've asked you a range of questions, I'm wondering whether there's something I've neglected to ask you which you feel ought to be included as part of the LRC Oral History Project interview?

PR No, it was just...it was a...Well, I'll tell you one little story.

Int Sure.

PR When I went to the States in 1991, I think it was, it was a group of people, mostly ANC-aligned, but a couple of other guys from the LRC and there were two or three others from outside. We went to the States and we went to Wisconsin to the Land Tenure Centre, and we spent a course there. And at the time, I was, sort of, looking to do a sabbatical, and one of the things I wanted to look at was...there's this whole question of paralegal training and the role of lawyers. I have a very jaundiced view of the legal profession, I think it stinks; it provides services to a very tiny group of people right at the top of the...and ninety percent of the population don't have any legal right/way. So one looks at how you could change that. And I went to a place in Madison, where...a part of the university there...where they were developing paralegal programmes in Latin America and South East Asia, and places like that, to see what

they were doing, and what have you. And I spoke to...I forget the lady's name, but she was the guru on this, she'd written articles and...she was the person who everybody said go and talk to, and she just happened to be in Wisconsin. And I went to see her and we got talking. And I didn't tell her where I was from, I just said I was at the Land Tenure Centre and I was from South Africa. And she said: but in your own country, you've got the model for Public Interest Law; go to the Legal Resources Centre. So, I said: well, I actually work for them.

Int (Laughs). That's a wonderful story. And that really makes me think, in terms of the current context, in terms of rule of law and constitutionality, do you think that the Legal Resources Centre has a future in South Africa, particularly when the judiciary now seems to be in some sort of crisis, with judges being called counter-revolutionaries?

PR (Laughs). Ja, I've just been talking to Asha (Moodley) before I came in here, she's given me an article by Neville Alexander on the Rainbow Nation, and what have you, and I think one of the things that we lack in this country is a common patriotism that...when...South Africa's not a united country. But, I think one of the things that obscure...things that...is obscuring a lot of the good things that are happening in this country, is the noise that's going on around this Zuma/Mbeki battle, and it's really a battle for the soul of South Africa, in the sense that, how do we...what sort of a system do we really, at the end of the day, have in this country? And it's critical, you know? Let me go back a bit, during the State of Emergency, when we were having people coming in here and saying: I live in KwaMashu or in Umlazi, and I'm about to be attacked, I've heard rumours that somebody's going to come tonight to attack our home, and what can you do about it? And we'd rush off to court and we'd get a court order, but we couldn't get a policeman or a sheriff to go and serve the order against the perpetrators, and that night the thing would happen, and people would be killed. And you realised how critically important the rule of law is, you know, real practical sense of...if the system of law and the enforcement of law, not individual laws, but if the system doesn't operate, and you can't be protected and you can't seek protection, the whole society breaks down. And the concern that I've got with all this noise, is that people are going to lose respect for that system, you know? I was...I work at home in a little wooden shack, at the back of my house, and I get up at four o'clock in the morning, half past four, and go to work, and I was working there the other day and two guys came in, and they held me up with a knife and stole my computer. And, you know, I wasn't scared, and they were quite polite, you know, they just told me...I was screaming and shouting because I was trying to wake my family up to come and help me out of this predicament, and they told me to shut up. But, it...and one of the things that's come through to me again is...these...it was highly professional, they knew exactly what they were coming...they'd been watching...they'd come a couple of days before and they'd stolen things out of the room, but the computer wasn't there, so they had to come back for the computer. And there's a kind of a belief that crime is actually a good way of living, and you can make money out of it, and the law doesn't respond to that because our police force is not functioning properly. So, there's a critical importance for a Legal Resources Centre organisation, Public Interest Law, it needs to be expanded, and like I said earlier on, it needs to be available to our citizens, not in the cities...

Int ...in the rural areas?

PR ...in the rural areas, in the areas where people are still battling to make a living. We need to develop an entrepreneurial class, I mean, for better or for worse, we're a capitalist society, people make money...or make a living out of doing work, and we don't have that...a person in Hlabisa who wants to start a...doesn't know how even to begin. And we need to have that sort of thing.

Int One of the things that also interests me is that, during the 1980s it was quite clear who the enemy was, what needed to be done, but, in post apartheid, it seems lines have become blurred and there was a moment in time, perhaps, when it was felt that the ANC was a government that one could work with quite constructively. But it seems to me, if you take the Eastern Cape as an example, the LRC's had valuable, favourable judgments in terms of social welfare grants, etc, those that don't get implemented, what's your sense of how...how effective a Legal Resources Centre can be, if its judgments, through the courts, aren't then respected by government?

PR You see, one of the problems that we're sitting with in this country, is that our democracy has expanded far beyond the capacity of the population to cope with it. We've doubled up the number of local authorities, we've created political posts all over the place and we don't have enough people to fill those posts, either at the political level or the technical level either ...the officials...and...I see...I go out...Like yesterday I was up in Richards Bay, in a meeting of municipal managers around shared services to do with planning and stuff, they're good people, they're battling to do something right, but their resources are zilch. And so, everything keeps falling on its face, and that creates the space for the corrupt to come on board. And they...we have...there...we haven't got a culture of service in our society. It's interesting, I went to Harare in about 19...oh, God, when was it...in the early nineties, to look at Legal Resources-type of structures there, and what the Zimbabweans said to me then, was that they don't have a culture of NGOs, of community-based organisations and non-government organisations in Zimbabwe, to the same extent that we have; we've got millions of them. But, they've all collapsed, most of them have collapsed, we don't have...and the reason they were there because people fought for particular...like you say, we knew the enemy, so you mobilised around that, that's gone. So, people are not getting involved in...we don't have a culture of service in this country, that when you get a job in a municipality, or a government department, or whatever it is, and I'm talking very, very generally, there are many dedicated people doing very good work, it's...we have to get that sort of thing going. I've got a little nine year old son...a twelve year old son, a big gap with kids, and, he goes to a local school here, and he's totally non-racial, all his friends are all multicoloured sort of people, and, that's great, because that generation...but it's going to take twenty years for that generation to come through. So, I think we're going to go through still a lot of ups and downs before our society stabilises, as it inevitably will. You see, all the competent people of colour in South Africa were zapped by industry and commerce...gone. And what was left, unfortunately...the Bantu education has far more responsibility for the situation that we've got in this country, than anything else, because people were just not educated, and they'll tell you that, I mean, it's...it's...I've had many cases...I had a case of a guy who's financial manager in a big municipality, he'd got all the

qualifications he needed, but he said: Peter, I've...they had a claim of twenty million Rand brought against them, he says: I don't understand where this comes from, I don't understand, I know how to add sums and do a financial statement, but I haven't...and the reason is because he didn't start at the bottom and work his way up. So, ja, coming back to your question, the Legal Resources Centre...you know, you have to speak it out, you have to provide this sort of thing, and in my view it needs to play the role of educator, it comes back to that guy (Clarence) Dias or Paul, Jeffery Paul I think his name was, I've still got the publication at home...

Int I must get that reference from you. (Reference: Third World Legal Studies – 1985: Published by the International Third World Legal Studies Association and The Valparaíso University School of Law.)

PR Ja. There's a guy called Paul and a guy called Dias, I think, who was a Peruvian (I think I was mixing him up with Hernando de Soto who wrote 'The Mystery of Capital'), or somewhere from Latin America, who wrote about the fact that Legal Resources is a holistic thing, that you teach people the law, how to use the law in what they do, rather than just simply do it for them, because you leave nothing behind, it's like fishes, and teaching people how to fish and not fishing, that sort of story.

Int Right. I'm wondering whether we could...if there's anything else, if you want to end the interview with a particular memory, whether it's working with lawyers here or clients, that you feel in some ways, embodies what it's meant to have been part of the Legal Resources Centre, and to have really done Public Interest Law, it can also have been something subsequently that was informed by the Legal Resources Centre experience?

PR There's no doubt whatsoever that it changed my whole life completely. I wouldn't be able to run the practice that I'm doing now, unless...unless I'd been at the LRC. And, I'll tell you something that...yesterday, and about a week ago, two incidents, and this...I'm telling you this objectively. I'm working with a community up in, near Mkhuze, a big land claim, we're in the Land Claims Court, we're fighting it there, and it's costing a huge amount of money, in terms of legal fees for counsel, and what have you, and we're trying to persuade the Land Claims Commission to fund this thing, and we had a big meeting up there. And one of the community that I'm acting for, who's known me for twenty years, sort of said: when we were in trouble in the eighties, we were fighting, we were being evicted and things were happening, Peter Rutsch was there, he was the only lawyer that came from the cities and was prepared to work in the rural areas. Now, there are other LRC people who do exactly that, and to me that is important. And then yesterday, exactly the same thing. I was at a meeting up at Richards Bay, and one of the guys who's now a municipal manager of Richards Bay of uThungulu Municipality, said much the same thing, that there were people coming from the Legal Resources Centre, when nobody was around, and to me that's kind of satisfying, ja.

- Int Do you think, just to reflect on that, do you think that the current government, the ANC, members of the ANC, really value the LRC, or do you feel that they feel that the LRC's a thorn in its flesh, given that it has taken cases actively against the government?
- PR Under the current (Thabo) Mbeki government, ja, definitely, there's not much difference between them and old P.W. Botha, quite frankly. Look, I think, you know, the A...the government has achieved a huge amount, there's no question about it, I mean, in terms of housing, in terms of water roll-out, in terms of setting up structures, it's not an easy job, and I think in some senses it's miraculous what they've achieved. But, at the same time, they've put us in a very difficult situation. (Thabo) Mbeki's no (Nelson) Mandela and he's got a certain personality, which is...which doesn't like being topped. And I think...ja, it's...in respect of the LRC, I think it's very much like the reception I used to get when I went to Ulundi in the old days, from the old KwaZulu Government, Gatsha (Mangosuthu) Buthelezi's bunch, they were very hostile.
- Int Do you have hopes for the future government, post...in 2009 and how it will respond? (*Laughs*).
- PR (Jacob) Zuma called me a white Zulu the other day. I happened to bump into him...
- Int Oh, he did, that's very positive. (*Laughter*).
- PR But, ja, I'm doing a land claim process for one of his community members and met him at a meeting in that connection. It's...I think we...it's going to get worse before it gets better, I think the...the cleavages that have been created between people in South Africa and within the ANC....and funnily enough, I was reading an article, reading a book by Martin Legassick, that he published a little while ago, and he talks about similar battles in the thirties and forties of the ANC, same leadership battles...
- Int Interesting!
- PR ..., which also turned violent, and what have you. So, ja, it's not something new, I think it's endemic in evolving societies, so, ja, it's...I think it's going to get worse, I think, we've got some tremendous...I mean, if a country can produce a (Nelson) Mandela and a (Steve) Biko and a (Robert) Sobukwe and Oliver Tambo and people of that quality, they're around, there's no question about it. It's just that the circumstances have to be created, and they'll come to the fore again, I think we've got them around, I think (Kgalema) Montlathle, and people like that, have the potential to pull things right, if they're not pulled down by the noisy ones first.
- Int Peter, it's been wonderful to interview you, and keep optimistic. Thank you very much.

PR Ok.

PR (*Interview continued*). When I do an institution for a community, I try to align it as much as I possibly can to the way people organise themselves in that community. Because people would carry on doing that, if you try and put in a company which has shares and registers and auditors, and things like that, to which they have no affinity, they just ignore it, they might live with it for a while, but give up. So, it's the same with the institutions that we have in our society here, we need to bring them more and more in line with African ways of doing things, so that the majority of the people feel comfortable with it; at the moment they don't. I mean, a silly little thing like the way people drive motor cars, you know, there's a white line and you're not supposed to overtake, well, they do, you know, because they say: that's a rule I don't understand. They will eventually, when they smack another car, but, in many of these cases where people say: look, that's your Western way of doing it. There was a debate on the Communal Land Rights Act between Thoko Didiza when she was still Minister of Land Affairs and a guy called Gumede, Simon Gumede, who was the IFP's head honcho around land issues, and things like that, and he accused Thoko Didiza of pandering to Western democracy, and he said: we need to become a more African democracy. And I thought a lot about that and I got to know him quite well, and used to debate these issues with him, I began to try and understand that there's a democracy there, and a participative approach, it's just the way it plays itself out that is different to the way we see things, you know? Then you've obviously got to bring it within the gender, equality and opportunities and anti discrim...get away with discrimination. But, I think, one of the things we...Africa's made a mistake, is in trying to impose Western sort of...When I did a sabbatical about '95, I think, when I was still here, I went to England, to London, and I managed to get access to a whole lot of libraries, you know, around the University of London, I think it...they had a Development Planning Unit there. And I spent the whole two months I think, that I was there, three months, going into these libraries every day to try and understand how Africa, through its independence process, had dealt with the law. Did they go back to indigenous law, or did they hang onto the Western English law or French law, or whatever it...and they've mostly kept the indige...the colonial law, instead of making...applying their indigenous laws. And I think a lot of the problems of Africa, are that...is that we never settle down into a way that everybody feels comfortable about. And one has to understand that this is an African country, that's where the majority is, and if we want to stay here, you've got to adjust to the...to the majority's point of view.

Int But you also said earlier that you think that things are changing because...in terms of respect for chief and chieftains, and traditional ways of doing things, though that's really changing and there will be a generational shift in what you can...?

PR I think so...I think, you know, the role of the Amakhosi in a traditional system is all pervasive; a good chief would have the support and respect and the love of his peop...of his community. It doesn't always work out like that, because people get corrupted and so on, they will control every facet of your life, and I've seen people actually crawling into a room to greet the chief, you know, and that sort of thing. That, with the new generations coming up, is going out the window. It's like this

youngster who I said would...when he was a kid, if the chief went by everybody jumped up and clapped hands. Now, that's changed. And, I was faced with this in a project I did for Land Affairs up in...in near Nelspruit in Mpumalanga, where it's the old KaNgwane homeland and it's house-to-house development in what is supposed to be a rural area, and there are two tribal authorities which fun...true traditional communities that function within that area, and the issue was, you know, what role do these guys play in an urban context? And you're simply driven to the point and say well, they might have jurisdiction over people who adopt or accept to become members, but over others...it's like a Bishop of a church, you know, he may be a Methodist bishop or an Anglican bishop and the Anglicans in that area pay abeyance to you, but not the Methodist or the non-believers or the Muslims or the Hindus or whatever it might be, so, it becomes a people-oriented thing rather than a land-oriented thing. And if you look at the legislation that's come through, dealing with traditional leaders, there's a clear breakaway from the chief and his or her land, to a more people-oriented thing. Although the Act says that an area must be allocated...defined...a jurisdictional area must be defined, it no longer talks about exclusive rights, whereas before, you could only go into an area belonging to a particular traditional community, with their consent. And that's no longer the case. So, things are changing, and I think the attitude...people's attitude...and certainly if the traditional leadership wants to survive the next fifty years or twenty years, they've got to adapt to a modern society.

Int Thank you very much Peter.

PR Ok.

Int (*Interview continued*). We can't stop talking, but you were saying that you bumped into the legal...?

PR Ja, you know, I bumped into the Legal Resource...uh, Land Claims Commission, they just appointed a guy in Maritzburg as their legal officer, he worked at the Legal Resources Centre...

Int Oh really, what is his name?

PR Maake, he's got a long first name, but he's at the RLCC. Anyhow you bump into them all the time and again, you know, he's doing this work because of the fact that he worked at the LRC.

Int Yes...

PR Whether he's going to be effective in his job remains to be seen.

Int Hmm

Int (Interview continues). Ok, so you were telling me that you think that South Africans don't...well, haven't acknowledged how great the Legal Resources Centre is.

PR Ja, I must say in white community in the eighties and nineties when I was with...you were regarded as being communist or worse. My brother, for example, who was a paid up member of the South African Defence Force, he was a General, and he used to regard this as a communist organisation. I mean, we just couldn't talk about it. He's subsequently woken up to the realities but...and if you spoke about your work in the white community, you were regarded as terrorist. The problem is that, you know, there are forty million people in this country and for an organisation with the numbers that we have, it's...people don't know much about it. So, the effect of the Rikhotso judgments and judgments of that kind, was not so much related to the LRC but just simply people's lives changed. Because there was that Govender case in the Group Areas Act, for example, which suddenly said the Group Areas Act is not as effective as they thought it was, and we could...they could defend people involved in it. So, you know, it was in that sense that the LRC made...

Int ...the test case approach?

PR Ja, made sense. And ja, like I say, when I went to Wisconsin I was told, go and talk to the guys who know what they're talking about.

Int Right. (Laughs).

PR It's quite a humbling sort of thing, ja.

Int Yes...

PR And I think, you know, credit has to be given to the leadership of the legal power of the Chaskalsons, the Geoff Budlenders, and a lot of guys who were in it in the early stages, and here in KwaZulu-Natal, Chris (Nicholson) must get credit for it, for what he's done, I mean, he and I had huge difference of opinions to what I was doing and what he was doing, but that's neither here nor there.

Int Thank you, Peter.

End of Interview

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