

John Mulaudzi

LRC Oral History Project

5<sup>th</sup> August 2008

- Int This is an interview with John Mulaudzi. John, I didn't say your surname correctly.
- JM Yes. (*Laughter*). Ok.
- Int And...Mulaudzi is it?
- JM Mulaudzi, ja, it's Venda. (*Laughs*).
- Int And it's the 5<sup>th</sup> of August (2008). John, thank you so much for taking the time to do this interview, I really appreciate it, on behalf of SALS Foundation.
- JM Yes, thank you very much.
- Int John, I wondered whether we could start the interview, if you could talk about your early childhood memories, growing up in South Africa under apartheid, and where you think your sense of social justice and injustice comes from?
- JM Ok. I grew up in Soweto in the early '70s, in fact, at the time when the Zulu-speaking people were attacking townships. I think generally, that's where my sense of social justice started. We thought at the time, that the Zulu-speaking people were sent by the police to attack the township residents. I think from there I then developed a sense of justice. I then moved to Venda in the early '80s, I attended a farm school at a place called **inaudible**, it was surrounded by farms, we were taught by farm owners and...who had a lot of farm workers as well. From time to time I'll work in the farm and I will see the abuse that goes with working on the farm. I think always I've always believed that I wanted to do something for the farm workers and that's where my sense of social justice came from as well.
- Int So...
- JM Yes.
- Int John, in terms of...growing up on a farm, etc, did you get a sense of apartheid in terms of white people having more access to resources, quite early on?
- JM Yes, I think in the farm it was quite clear. When I moved from Soweto it was not very clear because we thought we had almost everything. We had electricity, we had water, but in the farms, I mean, you had to fetch water from a borehole some six, seven kilometres away, so...and when you work in the farm during school holidays as well, I mean, you'd see the white children playing on the side, whereas we are working on the other side. So, I think in that way, I think I started realising that there's no justice

in the world, in that way, so I think the best way was for me to, sort of, start and make sure that some sort of justice prevailed ultimately. And then ja...

Int ...you stayed at the farm for how long?

JM It was from 1986 when I went to Venda, in fact, so...in fact, I think it was '84, '84 when I went to Venda in fact. So, since then I stayed up until I finished my Matric in 1989.

Int Right, ok.

JM Yes, and that's where I've been.

Int Right. And so you really finished your Matric during the 1980s, which was a really turbulent time, and in terms of student politics, etc, school politics, were you involved at all?

JM No, I was not involved at all, in Venda you are separate. I stayed in Venda, it was one of the TBVC States, the 'V' being Venda, so, we didn't see the uprising, the upheavals, we didn't see that. In fact, many people from Soweto have moved to the rural areas to finish their education, so, I was lucky in that way because many of my friends in Soweto didn't manage to finish their secondary school. I was lucky because I moved to Venda; I was, sort of, isolated from a lot of things there, in Venda. But when the whole thing started in the '90s, that's when we got involved, I think, in a way, but I was not really involved at a secondary school level, in student politics.

Int Right. And also in terms of...going to university, did you go immediately from the Venda area to university?

JM Yes, I did my Matric in 1989, I finished in 1989. After '89, 1990, I became a teacher, what they call private teachers, in Venda, because my parents didn't have enough money to take me to 'varsity straight away. So, I then saved money, 1990 then I went to...1991, I went to the University of the North at the time...

Int That's Turfloop?

JM Turfloop, yes, as they call it. I went there and ja, that's when I started doing law, at the University of the North.

Int Right. And it must have been a very different climate then, surely, because it was a post-apartheid era, so at university was that very different in terms of political activity, etc?

JM No, it was different, but I think I had this thing at the back of my mind, that if I fail once, I won't be able to go back, so, I decided there and then, that I won't be involved in any political activities, even at varsity. I was a member of the Human Rights Organisation for Students at University of the North. But beyond that I didn't join SASCO, I didn't join any other organisation, but I thought I should join this Human Rights Organisation which basically went to the rural areas to teach some farm workers a little bit of law, here and there. And when the...in 1994, when the voting started, we then did a lot of voter education as well, through the Lawyers for Human Rights Student Organisation. So, but, politically, no, I was never involved in that way except through Lawyers for Human Rights.

Int Ok. So, at Turfloop...what did you do in terms of law...did you do any legal aid work, any Public Interest Law at that time, during your studies?

JM Ja, at the time I did, like I'm saying, I mean, the one organisation which was there was Lawyers for Human Rights, I mean, for young students and that's what I got involved in, we were doing Public Interest Law, in a way, because we'd move around from time to time around Mangweni area, sort of, teaching a little bit of the law to students from...not to students in fact, to farm workers if there were farm workers and some other kind of workers, and we'll also go to Gazankulu which was far off, but we'll definitely have an impact in terms of that, in terms of Public Interest Law in that way. Yes.

Int And in terms of the kind of work you did there, was it just farm workers, was it also Refugee Law, what sort of work did you do?

JM You know, it was...our degree was, in a way, maybe those were the remnants of apartheid...it was just a law degree, I mean, you were not supposed to choose majors, or something like that, to direct yourself, it was another grade degree which was a BPROC degree, all of us did the same courses, so...But my focus has always been on farm workers, I think at the time I felt strongly about farm workers, and that's what I wanted to do. In fact, to an extent, that Constitutional Law became my...one of my most favourite subjects in a way. *(Laughs)*.

Int Really?

JM Yes, ultimately.

Int John, so how did you come to hear about the LRC?

JM After the...after being at the University of the North, I then went to study at the University of the Witwatersrand, and that's when I heard some few people talking about the LRC.

Int So you did an LLB there?

JM At Wits, yes. I then...after my undergrad at Turf I then moved to the University of the Witwatersrand, that's where I did my LLB. And in my first year there I heard...we used to do Street Law as well, in fact I even at University of the North, we used to do Street Law as well. So, at Wits, it was the same thing, I did Street Law as well and then I heard about the LRC and then I, of course, in my last year applied and I got an offer then I then came here. (*Laughs*).

Int You were very lucky...

JM I was lucky at the time I presume. (*Laughs*).

Int So when you came here, who was the Director?

JM It was Moray Hathorn at the time.

Int And the National Director was Bongani Majola?

JM Um, ja, it was Bongani (Majola), Bongani came after, in fact, I think it was 1997 at the time, so, but at the time I think when I came, it was, ja, Moray Hathorn, and then Bongani at the same time.

Int Right, ok. And tell me a bit about your experiences, who were the other Candidate Attorneys and...?

JM I used to share an office with Solly Bakaba. I think...I understand now he's a general...what do they call them? Just forgotten...secretary general...I've just forgotten the name, but he's one of the big shot in the North West, and then there is Kameshni Pillay, who was my close friend, in fact she's an advocate at this group, I've just forgotten the name.

Int Ja, Duma Nokwe.

JM Ja, Duma Nokwe Group. And **inaudible** was here as well as an advocate to the Constitutional Unit. Mandla, an attorney, (Achmed)Mayet...

Int Mandla Mkatshwa?

JM Ja, Mandla Mkatshwa as well, Mayet, Jakes (Ellem Francis), was a lot of people working here, I remember them, all of them, in fact, I think, there was just a lot of them, ja.



- Int Right, ok. And then in terms of actually working, what kinds of rotations did you do, what kind of Public Interest Law ...interested you?
- JM I started with Mandla (Mkatshwa)...I started with...was it Mandla...(Achmed) Mayet, in fact, it was...I started with Mayet, it was some sort of civil litigation, in a way, I mean, it was not something that I was interested in that much, but the work that I did with Mandla Mkatshwa was work that I then got interested in, because we would go to farms in...is it Bethal...or something, we would go to farms in those areas and visit farms and take their cases, people who couldn't afford to come to Johannesburg. So, we'll take their case and visit them from time to time and they will come once or twice a year. And I think essentially most of the cases were abuse cases that we did, the sort of case that I was thinking about when I was in Venda in fact, that I'll do, so, that essentially interested me. I then moved to Jakes to do Labour Law and who else...there was a **inaudible** rotation...there was a white guy...I've just forgotten his name...I've just forgotten his name, um, I did a little bit of Constitutional Law with him. And those were the four rotations that I had at the Legal Resources Centre.
- Int It seems to me that you were here at a good time because Moray Hathorn was very involved in farm work and...?
- JM Yes. Oh in fact the other rotation was with Moray, in fact I think I got moved, it was with Moray, and we used to go to Makuleke in Gazankulu so, it was, that was quite good.
- Int Could you talk a bit about some of the cases that you really enjoyed?
- JM I think the Makuleke one, the Land Claims one for Makuleke was really, really an interesting one, I mean...
- Int What was it about?
- JM I think it was essentially a Land Claims next to the Kruger National Park, there was...I think there were villagers around there who owned part of the Kruger National Park, so Moray had to do the Land Claims for them, and they would come to his office, some of them without money, Moray would give them money, some of them would sleep at his place (*laughs*), and then ultimately we would go and visit them and ultimately, I think, they got what they wanted and then...I understand the Kruger National Park, their portion at least, is being developed between them and SANPARK I think they are trying to do something there. And then I think, that's one of the case that I...I didn't deal with the case but I remember hearing someone saying that they are dealing with the Makuleke case at Webber Wentzel, trying to do some joint venture agreement between Makuleke and the SANPARK so that the rural community can benefit there. I believe that was one of the most interesting cases that I've done with Moray Hathorn. (*Laughs*).

Int In terms of...the general kind of work...did you feel that as a Candidate Attorney you really got a good well-rounded experience compared to maybe your peers who had gone to...mainstream law firms?

JM I don't really...there...even if there's one thing that I was happy about, in that I got good work, in fact, when people were complaining that they don't go to court, they don't draft papers, I was always drafting paper. The first day that I walked in here, I think, I drafted a Notice of Intention to Defend (*laughs*), one of the first, first, first days...

Int Really?

JM ...so I think I didn't ...

Int So you were busy?

JM ...sit down on my bum and twiddle my fingers. I was quite busy, in fact, I went to court almost within the third month, I mean, I appeared in court, I drafted papers within the fourth to the fifth month. In the sixth month I think I could run a little bit of practice on, the civil practice in fact. So, education was phenomenal, I mean, I remember every day we used to sit in a meeting, in a...then we would discuss our cases when you've got issues, you'll talk about them, you know, which you don't get in many organisations, many people...the...only directors will sit in meetings on Monday to discuss the status of their case. But here you discussed those cases like you were...George Bizos, or anyone else you had to talk as if you were anyone else. It was not like you're a Candidate Attorney, you can't tell us anything. So, I think...I think that was the most refreshing part about the Legal Resources Centre. I don't think I'll ever get any other place like here, so, that's why I even rushed when they said they wanted to interview me. (*Laughs*). Ja, it's true.

Int So when you then finished, what did you do after that?

JM I went to the Constitutional Court. (*Laughs*).

Int Really?

JM So I was a clerk or a researcher as they call them right now, at the Constitutional Court. I then clerked for...or researched for Justice (Pius) Langa at the time, he was the Deputy Chief Justice. So, I don't think...if I didn't come here I would have got the position in the Constitutional Court. Many people applied and they couldn't get it. (*Laughs*). So, I've managed to sort of get through.

Int Very fortunate...

JM Ja, I was fortunate at the time, in fact, because everyone wanted to be there, but I was a little bit fortunate.

Int John, so what sort of cases came before the Constitutional Court, when you clerked for Pius Langa?

JM I can't remember from the top of my head, right now, I remember...

Int What were some of the key ones...?

JM ...the Rugby Case, the Rugby...Louis Luyt, it is a case that moved from the High Court in Pretoria to the Constitutional Court, in fact, so, that's one case that was a high profile. There were a lot of other cases, it's just that there were a lot of them, but I remember the Louis Luyt case, that came to the Constitutional Court, where Louis Luyt took Mandela to court saying that he was not supposed to have established the...what do they call it...the Commission or what.

Int Mmm...

JM Ja, but I remember. But that's one case that was a high profile case that came before the Constitutional Court at the time.

Int Right. And also...when you were at the Constitutional Court were cases from the LRC coming there?

JM At the time, no, there was not even one case from the LRC. It was in...when was it...2000 and...it was '99, yes.

Int '99 ja. So the TAC did that come after that?

JM The only case that came, in fact it's basically the case that I dealt with when I was at the...I remember now, the only case that came there was the case of an air hostess, in fact, who got...I think she was discriminated against because she had some sort of liver damage, then they said it was related to liquor, they cannot take her at the SAA because she is not proper to be an air hostess. That case came before the Constitutional Court. And also another case, the Hofmeyer case...I think it was the Hofmeyer case, it involved one guy who had AIDS, and one company said they cannot take him because he's got AIDS and then if he travels around Africa he will be infected by all sorts of diseases because he's weak and all this. So that's one of the cases that came to the Constitutional Court. It came from the Legal Resources Centre, I remember, ja, it came from the Legal Resources...I think that's...that's...those are the two cases that came to the Legal Resources Centre, to the Constitutional Court.

Int So what have you done subsequently after...?

- JM Subsequently, amazingly, I went to Webber Wentzel (*laughs*)...
- Int Really?
- JM ...as a Commercial Lawyer there. Amazingly, I don't know how they took me in, but maybe because I also temped there in 1992, '93, when I was a student. So, I went to Webber Wentzel to do Commercial Litigation for two years. (*Laughs*).
- Int And how did you find the Corporate Law?
- JM Ah, it was not...I think it was not really...I was not interested, and I didn't last long, but, I realised that I cannot go to Human Rights Law, I think there was a change of mindset saying that, you know, we have achieved in whatever we wanted to do in terms of Human Rights, maybe it's time that black people do Commercial Law. Then I started there, I went to Total as a legal...as a Corporate Legal Advisor as well.
- Int And are you still at Total?
- JM No, I'm at Blue IQ right now, government again. (*Laughs*). I'm at Blue IQ right now as we're speaking.
- Int From what I can understand the total transformation hasn't really happened very effectively there...?
- JM Ja, no, honest it hasn't, but I think I felt like, you know, maybe it's the time that we need Commercial Lawyers. (*Laughs*). I think one should step into the fray and see what is happening on the other side, then that's when probably, I went to **inaudible** and so even if I didn't enjoy it that much but at Total I did the commercial part of the law, to experiment in that.
- Int And Blue IQ what do they do?
- JM They do infrastructural development for the province of Gauteng and they did the Mandela bridge. They did Dinokeng as well, they did...the Gautrain was one of the projects, just a lot of projects for Gauteng in fact, so that Gauteng can be a good city to live in.
- Int What have been your links, if any, with the Legal Resources since you left?
- JM You know, I had nothing, except the people that I meet, Mandla, I speak to Mandla Mkatshwa on a daily...not on a daily basis, but when I was at Total I used to speak to him almost on a weekly basis. But, the people...Kameshni I speak to, Solly I don't speak to, but Kameshni and Mandla I do speak to, a little bit.

Int One of the difficulties for Public Interest Law organisations in the post-apartheid era is that because of funding, it's very difficult for them to attract young black lawyers, so, for example someone like you...you do your Articles...

JM (*Laughs*) And move on.

Int ...and then you get to Webber Wentzel, then you get to Total and Blue IQ and as you said you said, you feel that you've acquired everything in terms of Human Rights, how does...how do you think a Public Interest Law organisation can attract black lawyers?

JM You know, that's quite a difficult question because right now everyone is basically running after the money, that's it (*Laughs*). If you are from 'varsity what you want and the first thing that you should get a big law firm to give you some sort of employment, so that you can pay your debts. I mean, there are very few people who have got a passion of Human Right as we're speaking, I mean. How they can attract young black...I think, students, I mean, I don't know, I don't have an answer there to be honest. I really don't have an answer; I think it's a difficult thing to do in the current environment (*Laughs*), where the inflation is just sky-rocketing, and all those things. But I think it's about the person having some sort of a passion to do whatever they want to do. If it's Human Rights, it's not difficult to attract them, but any other thing...I think it's just a passion that a person should have for it and it's quite a difficult question to answer, to be honest, yes. (*Laughs*).

Int That's fine. John, the other thing I wanted to ask you...you said that you think that you've reached your...South Africa's achieved things in Human Rights, but if you look at the current attacks on the judiciary...people using intemperate language, about killing people for other people, etc. Don't you think that somehow the rule of law is under threat and that...and that a place like the Legal Resources Centre as a Human Rights and a Public Interest Law organisation has a role to play?

JM No, they do have a big, big role to play, more especially now. I mean, we are at the stage right now, I mean, I don't have doubt about it, that the judiciary it's really under threat, I mean, listening from various comments from either commentators, politicians, whoever you can talk of, in fact, I think the Legal Resources Centre has got a role to play in the sense of protecting the rights that are enshrined in the Constitution. I think beyond that there's nothing they can do, but I think, just to simply say that Chinese people are black (*laughs*), and they should be protected, I think that's the role that the Legal Resources Centre can play in the current dispensation, to say that all of us have got a right to water, as a Socio-Economic Right, I mean, that's the role they can play, currently, because Socio-Economic Rights are the most important rights currently, as we speak.

Int Sure. So it's Public Interest Law?

- JM It's a Public Interest Law thing, I think, the enforcement of Socio-Economic Rights are...is the most important thing currently.
- Int John, I was wondering, I've asked you a range of questions, and you've been very good about answering them.
- JM Ja...(laughs).
- Int I wondered whether there's something I've neglected to ask you in this interview, which you feel ought to be included as part of your LRC Oral History Interview?
- JM No, no, no, I think you've covered it all, (laughs), you've covered it all, I wouldn't say you've excluded anything, you've covered it all.
- Int I'm wondering whether we could end the interview if you could talk about a particular memory you might have of working here, whether it's with Moray (Hathorn) or with Mandla (Mkatshwa), or anyone, or a client, that's something that you treasure as part of your experience at the Legal Resources Centre?
- JM I think for me it was just relating to Mandla, I think, most importantly, I mean, I think it has developed me in a way which says that human being are not only lawyers, lawyers are not arrogant people, I think that shaped me. Mandla it's a humble person, I think I learnt a lot of things from him just by his humility, I think, I ended up being, I presume, a humble lawyer as well as a humble human being. I think he humbled me in a lot of ways, I think I've learnt a lot of things through Mandla, besides a lot of cases that we...I had with him and travelling and all those...but just his humility I think, really, built me up in going on. That was the most important thing for me and the most important lesson at the LRC. (Laughs). Ja.
- Int Right. John, I want to thank you so much for taking time from your busy schedule...
- JM It's a busy schedule. (Laughs).
- Int ...to come and...to do this interview, I really appreciate it.
- JM Yes, no, thanks...thanks very much, I really appreciate it.

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