

Greg Daniels

LRC Oral History Project

4th September

Int This is an interview with Greg Daniels and it's Thursday the 4th of September. Greg on behalf of SALS Foundation in the United States, we really want to thank you for agreeing to participate in the LRC Oral History project.

GD Sure, it's my pleasure.

Int I wondered if we could start the interview if you could talk about early childhood memories, growing up in South Africa under apartheid, and where you think your sense of social justice and injustice developed.

GD Sure. I think it's probably...we were actually talking about it yesterday, I was thinking about it yesterday...in relation to the...beaches and how certain beaches were reserved and set aside for whites only, and I remember going down to a beach which was close to where we stayed, Kommetjie beach, and there...people would spot us walking down towards the beach and then would call the cops and the cops would come and basically tell us that actually you're not allowed to be on this beach but...and we had to go to Sweetwater or what's called in Afrikaans, Soet...Soetwater, because that's set aside for coloured people, and then the odd thing was it would be...it would usually be one white policeman and one coloured policeman, and I always found that odd, so then we had to turn around and make as if we were walking back, and then as soon as they'd leave, we'd then go back onto the beach, but it was quite funny and quite...the thing that got me was that we weren't allowed to be on the beach but the dogs were. And that was always quite...you know, it didn't matter what colour the dogs were but they could be on that beach freely, you know, it was just...that was just weird, so I guess from that point of view, that was the one thing. The other thing that was also...probably what kindled my interest in law is, I didn't like the way my father...well, to this day, to a certain extent, still interacts with white people. He regards them almost as more than...rather than equal to or...doesn't consider himself equal to them, and so that's almost been a kind of a...I guess one can use law as a kind of er...a way of equalising the playing field to those, to those lawyers but that probably shouldn't be...probably not the best but it's probably the one that I chose...

Int I'm just wondering, growing up where you grew up, did you have much contact with white people other than being told to get off the beach, and in terms of apartheid, how much did you understand and at what point did you feel like you'd really begun to understand what was going on in the country?

GD Actually because Ocean View is so isolated, that you didn't have...I mean, it's quite close to this, to this, to Cape Town, its about...a half an hour to forty minute drive, so it's not that far, but as far as location goes, it's quite...almost cut off from the rest of the Peninsula, so we were quite politically isolated....And the area itself, we've got no white people staying in Ocean View, although there were people staying in the surrounding areas like Kommetjie, which was about two k's (kilometres) away, but

still I think it was quite...ya, isolated anyway, for my own interaction with them, were as lawyers...or as police officials. And interestingly enough, teachers...that was the weird thing at that school, we had a lot of white teachers, which was quite weird. **Inaudible** that area was...

Int I was just wondering, I am just wondering...when did you become really aware of apartheid in living in the society that you did?

GD I guess there was always that awareness and then when I went to the University of the Western Cape, that's when...basically doing the mainstream, that I basically realised what's actually going on because my parents were not politically active and they didn't encourage that either. So it's only when I went to the University of the Western Cape that I developed a political consciousness, if one can call it that.

Int At what point did you go to UWC?

GD Immediately after, when I matriculated I went to UWC; that was in 1993.

Int Right, ok.

GD Sorry, 1990, so it was in that...

Int ...1990, transition period. So prior to that actually, at school, did you get involved with school boycotts or any of those...?

GD Our school was...we were pretty isolated as far as school boycotts. So in our schools, to a large extent we basically, were probably not involved in the struggle process at all, and it's partly because it was...that whole isolation, even though it was so close to where the action was, and geographically because of the mountain chain we were basically cut off from...

Int So going to UWC, what made you decide to do law?

GD Well...a number of factors including being chased from beaches, there were also we had a kind of a...what would you call it...where various...professionals would come around to the schools and basically say, ok, I'm an attorney and I'm a psychiatrist, this is what I do, so we had one helping like that. I think at the school was part of guidance, and there was an attorney talking and billing as hourly rates, I thought, great, that's the profession that I want to be in! And that's also what actually led me to doing law and I think at that time it wasn't...you know, it was still an era where your professional choices were limited, you either became a teacher, a policeman, or a nurse, and if you really studied hard possibly a lawyer. And I was looking to do the law and that's why I wanted to be a prosecutor aim, because you didn't any higher

because I thought of that ...as a glass ceiling as how high you can actually go as a non-white person.

Int So at UWC in terms of getting involved in the law clinic etc, were you involved in any of the law clinics?

GD Ya, no, I wasn't but partly because I had spent about four hours a day, travelling to and from university, so there was no extra energy to do anything other than just going to school, hitting the books and coming back home. And ya, so I was basically...as a student, probably uninvolved...uninvolved in social issues. I probably at...at that time sadly probably...probably focus exclusively on what I want to do and what I wanted to achieve. Kind of a survivalist mentality at that time, I think...

Int So you finished university at what time?

GD I finished in...2003, with...my BJuris degree and I and then during that period I went to go work on the Fishhoek beach as a beach constable and I got accidentally shot by one of my colleagues, so that laid me off for a few years, and I went back in...towards, in 1998 I think I went back to university to go and do my LLB...

Int So you did a BA from 1990?

GD I did a BJuris, which is a degree that allows you to become a public prosecutor basically.

Int Right. And how long did that take?

GD That took me...I started in 1990 and I finished in 1994. It took me four years to 1994.

Int And right sure...then you said that you went to work as...?

GD Well, during the summer holidays, we usually get a long summer holidays, so I thought that I bring some extra income in and work as a beach constable at Fishhoek beach, which I then did every... year from I think it was 1982 onwards I think it was..

Int Gosh, and your friend accidentally shot you?

GD Ya. inaudible looking at what the different **inaudible** and a pistol and he showed me the difference between a pistol and they sometimes have a ammun...in the chambers and that was one, they didn't have the safety catch on and it got me through the neck and the spinal cord... So ya, that was what happened.

Int That must have made quite a change in your life.

- GD Yes. It certainly was and still is quite...the great thing about it, I'm probably in a much better place now than I would have been...I mean, I'm not prosecuting and after spending a little time in that environment through the LRC, and doing the public defending work, I thought actually this is not for me.
- Int Right, so it was a change in a way from something that you would not have followed immediately.
- GD Ya.
- Int So you started an LLB at UCT?
- GD No, then I did my my LLB also at UWC, but then I got some.... I got some funding I managed to get some....I had a good friend who assisted me and that helped me and I finished my LLB, went off to the Legal Training School for six months ...
- Int And that's at UCT?
- GD That's in UCT, yes.
- Int Ok, so I was trying to understand, so you could do your degree at UWC, then you could do this legal training for after six months, and then you joined LRC.
- GD Yes.
- Int What made you decided to do... to the LRC world?
- GD I...I think that was quite interesting because there were quite a number of firms coming around and there were lots of people and I just ...none of them really struck me, I thought, I actually don't want to do...I don't want to do loss, I don't want to do estates, I don't want to do criminal work, I... kind of really felt that I needed a cause, and then it was after that until I got to the LRC, that it was the first time that I heard about them... public interest law firm, the projects that they were involved in. At that time I was concerned about AIDS and the impact that it will have on our society. And also the manner in which **inaudible** resources away from other areas like how is it going to impact on people that aren't disabled because **inaudible** and how to assist people with AIDS, it might take away resources from an area that's going to be underfinanced...disabled. So I was quite interested in that and also there's that at that time there was the Soobramoney case at the High... at the Constitutional Court basically denied the right of access to dialysis and I just remember seeing this guy lying in hospital and you could just see his eyes and he was on a ventilator and that just...that just shook me, just shook me. So I guess, out of those concerns, I can't say it was one particular factor, so I said let me do public interest law.

Int Why the LRC in particular?

GD At the time they were the only guys that basically came and were recognized as a public interest law firm. And I still think to a large extent that they probably.... Am just trying to think if there are any other organization, that are **inaudible** as the LRC and...

Int So and you did it six months and then you did the one year Articles.

GD Yes.

Int Who were your principals, what were your rotations?

GD My principal....Chantel Fortuin was my principal at that time and I spent the first couple of months working with Kobus (Pienaar). So that was interesting working in the land project and then getting to grips with what they were doing. I remember once there was a funder coming in and we had to give our views and I thought I was conscious that it was quite scary working in the land section, because we suddenly realised that the impact of what they were trying to do and how it important that they actually get it right, because if they don't it's going to have repercussions. They were serious about it and they not just....if they...and it does work, people will be uplifted forever, or at least that's how I think. So, that was quite mind-blowing really to be involved in, in a project of that magnitude, engineer social change and it was a social justice issue, so...kind of scary as a student and I suddenly stepped into the challenges that were so huge. And then I spent some time with...the guy who went to the...remember the famous office....and that was a real eye-opener as well and it was basically confirmed that no I actually don't want to be a prosecutor...in that particular environment. And yes, so I spent two months there and I think it was four months with, with, about two months with William (Kerfoot) on the refugee... and that again was another eye-opener, just in terms of the way refugees...hard to say were...are treated in South Africa and I also just realised that we could so easily have be refugees and how I want to be treated if I was a refugee, certainly not in the current manner in which refugees are being treated. So that was an eye-opener. So, just the way in which William (Kerfoot) worked with everyone's sense of humanness and that just struck me with oh wow, this guy is great. And then I spent some time with Ashraf (Mohammed) as well and that was great...

Int Yes, I just interviewed him...he is now at Cheadles...

GD So he's now where?

Int Cheadle...

GD Wow. So, I think that was. That was basically my time at LRC. And then I also obviously ran into Angela (Andrews), who then got passionate about her environmental issues and she wanted to fight with people and do you know what these guys are up and I was whoo... slow down. And you know that's obviously...environmental law interest in and subsequently when I had to leave, I was obviously...and again I didn't want to get into a mainstream law firm and I certainly didn't want to do....specialize in wills or estates...and any of those and Angela (Andrews), and then she mentioned that these guys here...that what they were looking

Int This is Cullinans?

GD Ya, ...they were looking for environmental lawyers...I though environmental lawyer, what could that possibly be and I thought about it and I thought actually it is quite interesting because it relates to... the environment is going to be the biggest issue. And I thought actually it sounds like a good field to actually go into and one could possibly make...and that is how I ended up in Culinans specializing in environmental law.

Int I want to take you back to the LRC....when you were there, what sort of cases did you work on and others and what were some of the cases, that you felt were very that you became very passionate about. You mentioned land reform was difficult...

GD Ya, well unfortunately I only spent a year there because it was... I had to get to learn different departments, it was kind of difficult to build up a relationship or to work on a particular matters other than on...obviously the first...was with Kobus (Pienaar). Kobus (Pienaar) is a really...went to Algeria, which I thought was...another country in Africa but I learned that it was just on the outskirts of Cape Town....there was a project and there...community...interruption...I didn't actually get too passionate about it. I am just thinking in terms of another project that I worked on.... out in Filipi, they were on farmland and some of them were about to be evicted and that's how they got to us. They were staying there for some time...and that was probably more than a project that I liked and felt passionate about...but also came to the realization that you actually can't help and that was *just, just so difficult* because these people didn't have funding...access to government funding. Negotiating with the landowner...negotiating with people that could possibly assist him but they had their own particular budget and the project needs to have a budget and it was just...the...I think the red tape in getting a housing project...so overwhelming...which we how are we ever going to do in my lifetime get these people into homes.... Ya, so was that again an eye-opener.

Int But it seems to me that even though you had reservations about the kind of work that was being done in terms of land, you still chose not to go into mainstream law firms and that you wanted to do something that was different, that was more public interest... why was that, do you think?

GD Ya.... I think its partly needing a cause... and not just wanting to live a life where you think you had a lot of ideas and then die. So its also just kind of leaving your mark

where you do know...**inaudible**. Actually, I participated in this so I had a hand in that..**inaudible** although a bit longer...jaded thinking actually are we really making a difference...but I guess certain....

Int Right, right. In terms of the work that you continue to do now, what are some of the public interest elements in it and what are some of the key cases that you do now?

GD Ahh!! That's a good question because sadly, the public...things that are public interest where some things about to happen in your backyard and all this property here because I like a pristine environment here. Now someone wants to build 100 houses on two hectares of land...and we do get public interest cases, where people don't have kinds of needs, basically to take a matter to court and to...of it and then although we do provide...reduce our fees, we have to basically draw the line between public and things that we can't take...and then we also do...a lot of...maritime...things...a lot of fishing matters...fishing appeals and that because...I am from a community that's more...so fishing, so fishing community. Artisanal fishing... I kind of just... that's one of the issues that I am interested in...so yes...public interest work in that regard helping the guys getting access to fishing...

Int I am also wondering in terms of...you had been at the LRC for a short period of time but in terms of...concerns you might have about the future of the LRC and public interest law organizations in South Africa, particularly currently where there are these attacks on the judiciary, what is your sense of the LRC and its future in South Africa?

GD Do they still have a role to play in the future?

Int Yes, exactly.

GD Ya, I would like to think so. I think they definitely have a role to play. I mean its just clear from their cases, like the Treatment Action Campaign case that they still very much need to be there. And I think its always kind of part of the reason why they have been around for so long, is that they have the ability to evolve and adapt to the new challenges. I think if they continue to do that, then they should still be... I am just not quite clear about the direction that they should take but I... they should adapt to the new challenges facing South Africans. I am not quite sure how they going to spin it for the funders because a lot of funders think that the battle has been won you know and that its over and why do you still need to provide funding when they have the Constitution and Bill of Rights, they have democratically elected government....funding and they have other more recourses out there and I still think they need to kind of ...still be at the forefront, still change people's mindsets.

Int Right. You were at the Cape Town office and as you know that Cape Town office is different from other LRC offices in that the staff has stayed there for quite a long time. Do you ever get a sense that there was within the organization any tensions...whether there were racial tensions or gender tensions, etc?

GD I certainly got a sense of tensions in the Cape Town office.

Int Yes, that's what I mean...

GD I am not quite sure if they were racial. I think they were personality tensions...ya. Ya, that there were frequent personality clashes. You know part of the meetings and that I was not exposed to, and I thought for an organization that....did such good, I thought that they were kind of one voice, you know, coming from the office but I guess that was kind of naïve...when you have...people from different races and backgrounds in an organization. I think there are also going to be value clashes. Personality clashes, I don't think it was value clashes, just personality clashes. Ya, so I guess for me all this, I was a bit shocked that they weren't as...I was going to say...ya, they weren't the type of oneness I would have expected in an organization that is doing such a lot of...or standing up against social injustices. I thought that they would be signing....all of them singing from one hymn sheet. I thought they were...

Int Why do you think that was the case?

GD I think its because they've got...they were, their personalities were so strong. And, I also think that maybe to some extent they were looking at the different projects, as their projects or... I don't think that truly is and I think some of them maybe were...the projects...can I say this...(laughs), the projects and the people were inseparable and if the project failed, they thought that they had failed and so, they I think...that's probably...ya, why there was such a lot of tension, why they wanted to make sure that the project succeeds no matter what. And, I always felt that they could sell their mums and dads, they probably would (elicits laughter) if it would success of the project.

Int Greg, in terms of....you mentioned...in terms of the tensions...you said that the tensions were really around personalities. But in terms of like the Regional Director and the LRC more generally, did you feel as someone who was training there, that your needs were being met and the Regional Director was accessible. What was your sense of that....

GD Inaudible. At that time the Regional Director was Vincent (Saldanha) and then, so while I was there, it then changed into Chantel (Fortuin). So, I mean....what the Regional Director was supposed to do means squat because it was everyone has a chance to be the Regional Director. I think before that it was Steve (Kahanovitz) so yes. So, there was no. Ya. I thought they were reasonably accessible, although I wasn't quite aware of what was actually happening...at national level. Also, or even inter-regional, I basically focused on...what was happening in Cape Town, as far as the National Director goes, I did not participate or discuss issues....

Int No, I don't...I am just wondering in terms of particular cases that you took on, was there was one case in particular that you could elaborate on, that you felt was very important and that you learned something from?

- GD I think... it was probably because of the limited time period that I spent there, all of it was basically, most of the matters were real...but not from a, I guess from a legal point of view, I used this inadequate tool, the law to give these people something that they can actually use, particularly with land issues and then with the refugee, well how do I get these guys a permit, you know, so that they can at least feel that they are human, so they can have some type of human rights. But it was, it wasn't like there was one thing that really stood out. Like I can say, this is...I am glad I had a role in it and this is going to fundamentally change South Africa. Ya, I think maybe the Treatment Action Campaign case might be one of those but I was not there the whole way through...in those matters.
- Int The LRC as a public interest law firm...it has always had this tension between the person comes in through the door and the need to actually look at test cases and high impact. What was your sense of that, during the time that you were there?
- GD Ya,...there were a lot of people that were extremely supportive and actually, you know, we feel that you being hurt in this injustice being suffered but you know, we need to do particular kind of test cases and that...people I think people were kind of disappointed, particularly if you look at the volume of people that the LRC that goes through the LRC, I mean you do have to explain to them that actually, that we could do, you know, could do one or two letters but we won't be able to take the matter to court because we don't have funding, we don't think that their particular circumstances justify funding. It is always heart sore and I think that's probably what gets to William (Kerfoot) as well because there are just so many worthy causes out there. So, not all of them funders are prepared to fund. We have got to draw the line somewhere.
- Int I have asked you a range of questions and I am wondering whether there is something I have neglected to ask you, which you feel ought to be included as part of the LRC oral history interview?
- GD I can't think of anything specific... question, other than the inaudible...I think the LRC is *great*...organization and I just hope that they manage to adapt specifically new challenges, especially in South Africa inaudible...
- Int I wondering whether as well, if you could in this interview, share a particular memory that you might have, maybe it was working with a particular lawyer at the LRC, or a client or going out into the community. Something that you treasure as part of your experience, particularly that you were training at the LRC.
- GD Ya, I am sure that when this interview is finished and two days later, I would probably think of a poignant moment (elicits laughter) but I don't know there was....ya, there was before...shhh, ya, I mean its...I guess that one of the things that did but it doesn't relate to the client is that extent to which the guys were prepared to help me, especially like Kobus (Pienaar) and Henk (Smith) and at that time, Ricardo (Wyngaard) who was also working at the LRC. I mean, Ricardo (Wyngaard), particularly, I would come and everyday I would get out of the car and he was around

and when I jumped into the car as well. Kobus (Pienaar) used to take me along to meetings and drag me up flights of steps. And I thought you guys are crazy. I wouldn't go around to...doing this...particularly at one place, at the SVP, the staircase were incredibly small and somehow I don't think Kobus (Pienaar) was aware at the time and he managed to get me up. But ya, Kobus (Pienaar) was always taking me around to his meetings and interviews and things. It was interesting. So the kind of... to a certain extent, I don't think that...inaudible...so that...that was for me was good and obviously meant a lot. Also people like William (Kerfoot) and Chantel (Fortuin). I guess the downside for me is the fact that they couldn't get the landlord to get the wheelchair...

Int Access?

GD Access sorted out or that they failed to...or that they failed to and that person...failed to get it sorted out then...

Int Is it still not sorted out?

GD I don't think it is. I actually haven't been there since....I got admitted but I would have liked if they could have put a wheelchair.... But I think there were budgetary constraints or...how far they could go...particularly, if there wasn't a wheelchair person around but...

Int You also think of clients who might not have a vehicle and have to come to the LRC; it is also impossible for them to get access.

GD This is the problem. Also at that time, there was a good solid doorman, Mandla, who used to drag me up and down the steps and that was incredibly kind of him to do that but...

Int Thank you very much Greg. It was nice to meet you and thanks for interview.

GD It was also nice to meet you.

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