

Int This is an interview with Aninka Claassens, and it's Sunday the 17<sup>th</sup> of August (2008). Aninka, on behalf of SALS Foundation, we really want to thank you for agreeing to participate in the LRC Oral History Project. I wondered whether we could start by...if you could talk about your early childhood memories, growing up in South Africa, and where you think your sense of social justice and injustice developed?

AC Well, I grew up in Pretoria, and my parents briefly emigrated after Sharpeville, to Australia, and then came back again, but, I think it probably came...had a lot to do with my mother who was very, you know, aware of injustice, I suppose. But, you know, it was something that I was always, always aware of. And, you know, always found extremely painful and demeaning, just segregation in the Post Offices and the problems that the person who looked after us as children had with the Pass Laws and her ongoing struggle with those. So, ja, I think it came from just feeling great horror and pain at racism that was all around us in Pretoria, and knowing that it was wrong. And I think that had something to do with my, you know, my mother's horror about it too, and perhaps seeing it through her eyes and...You know, they were...quite a lot of their friends were...fled the country to go to Australia, who'd been in the Communist Party, the Liberal Party, and so when they emigrated to Australia they went with a lot of South Africans who had to leave who were all...everyone was going steerage, everyone was terribly sick, my mom was the only person who didn't get very sick and she was running around trying to look after everybody. And those were their friends in Australia, and then my grandmother got cancer and we came back when I was six, and then stayed. So, ja, I think it's something that was there from my very early childhood. I remember saying to my nanny when we were leaving, when I was four, I remember saying to her: please, please come with us. And she said to me: they don't take black people in Australia. And I remember saying: why don't you paint your face white, Freda? And she said: I don't want to paint my face white. And I remember this terrible feeling of shame that I had suggested something that really offended her. And I remember my mother packing food parcels for people in the Rivonia Trial and saying: can't we have that nice thing that's in this big packet? And she said: this is for people who really are struggling. And I remember that sense also of shame that I'd been so greedy and so selfish. So, you know, that sort of thing, but, ja. I think I had some good teachers at school...but it was always there, from childhood, ja.

Int So, in terms of family influences...it seems to me that your parents, perhaps your mother in particular, was very politically involved somehow or politically aware?

AC Not that politically involved, but she was involved with the Liberal Party in Pretoria, and I even remember my father...I remember them going to a meeting which Sobukwe addressed, in Pretoria, and I remember them coming back and they'd said to Sobukwe, or someone in the meeting, not them, a big public meeting, had said: will...can you guarantee that when blacks run the country, whites will be safe? And he had said: well, no-one can guarantee that sort of thing. And I remember my father saying: well, that was a very honest thing to say but maybe it was foolish because it terrified people so much. And I remember his, sort of, on the one hand being

distressed by the answer, on the other hand, you know, being quite respectful that he'd answered so honestly. So, they were on the fringes of the Liberal Party, but a lot of their friends were more involved and my mother in particular, you know, was involved with...ja, I mean...ja...looking after some kid that his parents were detained and in jail, and that sort of thing.

Int So, in terms of your background, was it an Afrikaner background or English-speaking?

AC My...we grew up English-speaking, but, my grandparents, my mother's mother had grown up Afrikaans-speaking, my father's father had grown up Afrikaans-speaking, but the other one, the other grandparents hadn't, and by my parents generation...my parents were brought up English-speaking.

Int Right, ok.

AC Ja.

Int So that must have influenced the kind of company and the...the schools you went to, etc, so, I'm just wondering, in terms of discourses throughout your childhood, at school in terms of apartheid, and how that must have filtered down to you and how you understood it?

AC Well, I went to a Convent in Pretoria, St. Mary's DSG, and I remember feeling that they were absolutely hypocritical in that the way the staff were treated and the kind of complicity really. I think there was one very good English teacher who, you know, discussed political things with us, but, my sense of the school, in general, was of...that they didn't really confront the contradictions that were all around us, at all. So, it wasn't so much from the school.

Int So, when you got to university, where did you go and what did you decide to do at university?

AC I came to UCT.

Int Right.

AC And that was partly, you know, just to get out of Pretoria (laughs). And I actually...I signed up for things like English, History of Art, Logic and Metaphysics, and went to...and French...and I went to an Anthropology lecture by mistake, I went into the wrong lecture theatre, and Francis Wilson was giving a talk on migrant labour, which I found absolutely devastating. It sort of explained the background to the things that I had been seeing and sensing and feeling were wrong, and I decided to switch to Anthropology and African Languages then. So I switched, a little bit late, in my first

year to Anthropology and Sotho, which is, you know, what I thought, coming from Pretoria, would be the right language. It turned out that I ended up learning and speaking Zulu. But I found, you know, my time at university just discovering what the laws were, utterly, utterly painful. I remember reading Muriel Horrell's book about the different laws and just feeling devastated that...at that form of power and how unfair it was, but also just how entrenched it was, and feeling really quite powerless. I got involved with an organisation building schools in other...called SAVS, the South African Voluntary Service, and we went and we built some, sort of, co-op centres and schools in Herschel District in the Eastern Cape. Because I was a bit sceptical about the, sort of, student politics arena, which just seemed to have a lot of very egotistical people in it, at that time. And that was, you know, that was a very formative experience of just going and staying in villages and being, you know, a bit out of my depth and having to, you know, learn language and immerse myself in other cultures. And my boyfriend at the time and I, sort of, resuscitated SAVS, which had sort of died there, so we had to raise the money and make the contacts, which we did through lecturers in African Languages Department. And they were really struggling with the Professor of African Languages at the time, a guy called (Ernst Oswald Johannes) Westphal, who they perceived to be racist and...and, you know, we then got involved in a process of reporting problems in African Languages Department to the university, which were very serious. He had us working on a computer program in our third year, which turned out to be a commission he had from the Defence Force, to try and translate all the African languages one to another on the, sort of, notion that you could just make phonetic shifts. And we couldn't understand why we were sitting there filling in these computer programming forms. Plus, you know, a lot of the lecturers were...there wasn't enough South African languages being taught, because the lecturers complained about him. So, we had this...we initiated a whole process of having a Commission of Enquiry, which was a very...very shocking thing to me, because the university basically strung us along, and then we had to go through this hideous process of giving evidence against him, in front of him. And at the end of the process, they said, we weren't entitled to the results because we'd graduated, and they basically said: well, those weren't grounds for dismissing him. So, and...ja, many stories to do with the whole process, but, we were really finessed in a, kind of, I would say, very skilful colonial kind of tradition, which always made me feel that these big English institutions are duplicitous in a different kind of way from more straightforward Afrikaans institutions, in a sense. So, I developed a great suspicion of them, (*laughs*), which is ironic because Geoff (Budlender), you know, Geoff was very involved in student politics and has a great deal of admiration for Richard Luyt, whom I have no admiration for whatsoever. I mean he...he called me in to say, you know, it's so amazing that we're starting SAVS again, and he's got friends, and SAVS' whole subsidy had been withdrawn because previous students had gone up there and smoked dagga and whatever, and he...and so we had to try...we had no truck and we had no subsidy whatsoever, and he said: oh, he's got friends, and they'll donate, you know, they'll donate a truck and they'll donate money and get all these resources. And I thought: God, that's fantastic because we had this upcoming trip. And as we were leaving, he said: you're in African Languages 3, aren't you? I would drop that little problem if I were you. And we didn't, and we didn't get a cent. So, you know, it was one of those, kind of, quid pro quo type of arrangements.

Int Gosh.

AC Ja. Anyway, I mean...ja.

Int So what happened, did you continue?

AC I then left U...you know, I had actually thought that I would register for Anthropology Honours and become an Anthropologist, and we'd had a lot of support from people in African Studies, all the lecturers and professors saying: thank God, someone's taken on (Ernst Oswald Johannes) Westphal, thank God you students are doing this and we support you. And when I went to go and register they said: well, you don't cause that kind of shit in Anthropology. So I thought: well...And decided that, you know, I wasn't interested in that, and then went and worked in the Eastern Cape for a Quaker organisation working with small co-ops, which was one of those very formative things. I had a Kombi and I'd go in the Kombi, I'd go and stay in different villages, it was 1977, it was just when all the Black Consciousness organisations were banned. And I was working in that area so I met Mamphela Ramphele, and I met the people in King Williams Town, the, sort of, community project's things, and tried to channel money through Oxfam actually, to...some of those small projects. And went and stayed in Herschel and in Keiskammahoek and it was very, very tough, but it was one of those really devastating, eye-opening experiences to do with just the scale and nature of poverty. And I decided out of that to go and work for the unions, I felt that, you know, there was very little that could be done at that sort of level, and that the only, sort of, body that seemed to have the power to address the kind of institutionalised inequality were the unions. So I went and...back to Wits and did Sociology Honours as a way, really, of making contact with a whole lot of people like Eddie Webster and others who were working with the unions, and through that then got a job in the unions the next year and then worked as an organiser.

Int By that stage was it...?

AC It was COSATU.

Int COSATU, ok.

AC And that was quite a tough period too, it was a lot of political in-fighting within the union movement between the so-called Workerists and the so-called Populists and, ja. So, it was a very rough political period and I felt very strongly that the key issue that we needed to focus on was the Pass Laws and, you know, I was in the Paper, Wood and Allied Workers Union and many of the most stalwart unionists were migrants and they also wanted to take up the issue of the Pass Laws, and we were very, you know, that was regarded with great suspicion by the kind of hierarchies within COSATU. And so, that was really something which, you know, was also an extraordinary period, I was there about four years, but, you know, I found just too tough, because I found the...you know, it was hard enough being a union organiser, in those days our meetings got broken up, you know, we were hounded from place to place, the police after us all the time and then you had all the shit within COSATU as well. And that's

when I went to go and work for TRAC, which was part of the Black Sash, and I had been extremely impressed by Sheena Duncan as a...when I was in Matric I...on one holiday I came to just volunteer at the Black Sash office in Jo'burg, and I ended up, you know, just sitting at her desk while she, you know, saw people coming in, and that also was one of those devastating experiences as to just the impact of the Pass Laws on people's lives. And also, you know, I was...I just found the way in which she, kind of, worked at it steadily and respectfully and, you know, so consistently over such a long time, very, very impressive. So, ja, I think that that was a very strong formative influence in my choices about how to work and it, in a way, you know, made me realise that the only...the only kind of...form of work that really could address my concerns was, you know, direct contact with people who were struggling, who wanted to do something about their situation and needed some support. And...and then that face to face interaction was really what I could believe in. And that's really what...then, from the unions I went to TRAC which was an incredible, you know, feeling of home-coming, because there wasn't the same sort of shit within the Black Sash, and I was working with rural people. It was directly against this problem with forced removals, and I met these extraordinary, extraordinary people who are...were, you know, strong people, determined to resist something terrible happening to them, but not people who are out to look for positions or power, you know, a different...just people thrown into those kinds of contexts and...You know, and I remember just thinking: what a privilege it is to actually know and work with people like Beauty, there was another old man at Driefontein called (Zeblon) Ndlangamandla, a most extraordinary old man, and in, you know, many different areas that I worked, just meeting and interacting with people in that context where, you know, we were all at a bit of risk. And there was, you know, nothing that anyone was trying to get for themselves, they were just trying to stop shit happening. Really, it was quite an extraordinary period of my life.

Int It seems to me that when you were at university...just to go back a bit, you didn't really choose the NUSAS student route, instead it seemed to me that you went down the more community, empowerment participation route, would that be fair do you think, from what you've said?

AC Ja, I think so, ja, ja, I mean, I think that...ja...it...and I think for dif...for two inter-related reasons, one, that I went to a couple of those NUSAS meetings and I was a bit dubious about people's motives, some people's motives, and the other that I do find...I suppose the meaning of the work that I do in the actual direct interaction with people who themselves, you know, and I enjoy it, and I feel, you know, that makes me feel fulfilled. So, I think there were two reasons for it, one, was the kind of: don't like the look of that. The other was: this is where I want to be.

Int What about NUSAS in particular left you feeling uneasy, I'm wondering, at the time?

AC No, just...just...I mean, I think maybe...just...I went to a couple of meetings and I just saw a lot of egotism. Maybe I just went to the wrong meetings and I saw the wrong people speaking in those meetings. I mean I was involved in a...you know, I was there in '76, so, I was involved in this march that we did from university down Klipfontein Road where we all got arrested and put into jail, and that was with a lot of the NUSAS

people and when it came to things like that, I would, you know, I would support it, but it wasn't an arena that I felt was my kind of primary comfort zone.

Int Sure. So, you know you get to TRAC and then in terms of TRAC...in terms of its historical genesis, how was it set up, what were the kind of challenges and responsibilities, etc, that you had?

AC Well, basically, the...you know, the Black Sash had been in contact with a whole lot of different communities who were struggling with forced removals, and I think in particular Driefontein in the East, and Mathopestad in the West. And they had volunteer members who were working with those different communities. But I...they found it tough to provide the amount of consistent support that was necessary, and that was the absolute period of, you know, removals taking place, well they had been for a long time, but it was a, kind of, crisis period. So, they decided to employ someone, and I was the first person employed and at that point there wasn't really a job description and there wasn't really an office, I was, sort of, just attached to the Black Sash. And on my very first day of work, Rita Ndzanga came in, an ANC stalwart, and she's from Mogopa and she came in on the very first day and said: I went home, there are bulldozers parked at Mogopa and every day that...any time a person leaves, their house just gets bulldozed down. And I thought: oh, God, what do you do about that? So, I went with her, just to go and see what was going on, and got thrown straight into...I started there in October '83, in November they had a notice served on them, in terms of the Black Administration Act, that they were going to be removed. And, you know, we got thrown into this campaign to try and assist them, and they'd actually been to all sorts of different lawyers, they were a very, sort of, litigious and internally fractious community, they had been to the LRC, fallen out with the LRC, they'd been to, I don't know, Raymond Tucker, fallen out with Raymond Tucker, and it looked absolutely hopeless because they had this notice. And we...I actually went to Cheadle Thompson, and Fink Haysom agreed to act for them, which was, you know, extraordinary because there seemed to be no legal way of stopping it. But, basically, you know, what we could do was make it very, very expensive, and we ended up, you know...you know there were some extraordinary leaders there, unfortunately there were terrible internal disputes which have dogged Mogopa for a long time and since, but, at that point of crisis, they all held together and...So...we had...there was...it was UDF days, there was an organisation called JODAC and we got the, sort of...a lot of people to go and sleep there every night so that we had people there, and then on the night that they were meant to be removed, we managed to get the South African Council of Churches to hold a vigil, so people like Tutu slept there...all the leaders of all the different churches slept there and there was massive publicity. And of course they didn't then come because they had this whole group of people there. And then there were some terrible months between November and February where it looked like...it wasn't clear, people were extremely brave and not just packing up their houses, and finally, they closed them off and moved them, and then people fled from the area they'd been removed to, and fled, and finally re-occupied Mogopa years later. But...and there was a bit of tension within the Black Sash with some people saying: they've lost...it's happened...stop, you know, just give up, don't keep on supporting them. But, you know, thank God there were these wonderful women like Sheena (Duncan), who just said: it's not our choice, you know, it's the community's choice, what they want to do, if we can support, we will

support, we don't make the choices, we just support people who make the choices themselves. And so that then, you know, although they got removed, became an enormous turning point for other areas who were...Driefontein was the next on the list and it was in fact the last removal. And, I mean, they are back there, and they also were the first people to re-occupy, you know, again under siege, completely under siege, their land, and precipitate the whole restitution process. So, you know, they paid a terribly high price, but they actually were at the forefront of that process. So, you know, we worked with different lawyers in different areas, and that was also very interesting because some things the LRC was not prepared to do, that Cheadle Thompson was prepared to do, and Cheadle Thompson was prepared to do, the LRC was not prepared to do, really paid off. And ja, you know, and in a way it was using law as part of a much broader strategy, and a much more political strategy, you know, as opposed to, on its own, which it had...you know, because of the nature of the laws, it had to be like that.

Int ...quite early on in its inception, the LRC had the Rikhoto case and the Komani cases and those, I think, were quite instrumental in actually overcoming Influx Control and the Pass Laws. How did that then affect the work of TRAC, and your work in particular? Did that affect you at all because...?

AC Section Ten and all of that?

Int Yes...

AC Well, I mean, in...not so much, you know, I mean, it affected everyone because, you know, all these things were being done in parallel and they were chipping away at, you know, the whole structure of apartheid and power relations, but, it didn't directly affect TRAC. In fact wasn't Rikhotso before '83?

Int It might have been. It's between '81 and '83. So it was definitely before.

AC Ja, I think it was, I think it is, ja. And, ja, I mean, obviously, you know, we were very supportive of that, and people were very interested in it, but our work was...as TRAC, it was defined as being rural, so it...

Int Sure, ok, so it didn't have an impact there in that way. In terms of, your association with the LRC, at what point did that begin, I'm sure you knew about it from inception, would that be correct, do you think?

AC Yes, I think, ja, yes, yes, in fact, when I was in the unions, we went to the LRC, so I remember going there from the very early days, I think when it hardly even had offices, and I, you know, Arthur (Chaskalson) was a bit...he was not in favour of taking union cases, he believed, you know, you had to act for individual clients at that point. And so, we were slightly sceptical of it as something which, you know, was being quite formalistic in its approach, and, you know, at that time, I think, he was

doing a lot of, you know, a lot of his choices were to do with protecting the LRC and ensuring its survival. But, you know, my initial interactions with the LRC was thinking, you know, on the one hand being extremely...It was a bit ambivalent because on the one hand, you know, the work that they were doing in the Pass Law cases was so important and it was something that was so close to everyone's lives and to my heart and, you know, and I'd really had that time in the Black Sash where I'd had this incredible sense of how important the Pass Laws were, but it seemed like when it came to organised... and the unions were a political action, it drew back a little bit. But I think that that is not actually true, that it was a, sort of, initial perception, so I had been in and out there, you know, from, I think, about, let me try and...probably '80, 1979.

Int and then it started in '79...

AC Ja, ja, '79 it would have been.

Int Hmm...

AC And we had something called the Industrial Aid Society which is where I originally worked, and the Industrial Aid Society also took stuff to the LRC. Ja.

Int Mm, right. What you're talking about maybe speaking to the idea of the perception held by some, that the LRC perhaps was more cautious in what it took on and what it used as test cases, given...that they wanted to do high impact litigation. How did that...in your experience, how did that then impact on your work? For example did you then have to go and take cases to Cheadle Thompson & Haysom instead of the LRC?

AC Well, I mean, you know, on the one hand...you know, I think it's slightly more complicated because the LRC took on the Pass Laws which was extremely political, which the unions were not touching, for the same reason about, you know, how to define their primary identity and how to protect themselves, really, in that very threatening political context. But I did actually, you know, when I was at TRAC, we...we...in Driefontein...Basically what happened when I went to Driefontein is that people came and said: look, we want...You know Saul Mkhize had just been killed, people were absolutely devastated and they basically said: we need...And then the person who killed him was acquitted of murder. And they said: we need to appeal this to another court, we need to take it to another country, because this is so wrong. So, a lot of the, kind of, male land owner leaders were really quite furious, they were...put me through unbelievable tests, you know, they only spoke to me in Zulu, they were quite rude to me, it was like, you know, what do any of you bring us, who the hell do you think you are, all of this has failed, you know, the only thing we want from you is to get this case heard in England or America where we'll get some fair judgments. So you had that sort of thing on the one hand, and then you had this grouping of people who were mainly tenants actually, led by this old man (Zeblon) Ndlangamandla, supported by Beauty (Mkhize), and we didn't know at the time that (Zeblon) Ndlangamandla had been involved in a defiance campaign with an underground ANC



person who'd taken out Ruth First and showed her all the dead bodies in the potato fields, we knew nothing of that for ten years. And they were saying: look, we've got to get rid of the magistrate, the magistrate in Wakkerstroom is the guy who's oppressing us, and this guy's a bastard and we've got to get rid of him. And I went to Geoff at that time and said: people want to take up the question of pensions, the clinic having been closed down, where they were being starved out. And he said: look, that's not what the removals stuff is about. And people were determined that the question of confronting the magistrate's power was what they needed to do, those people who wanted to work with us. And I went to Cheadle Thompson and we formed...Geoff (Budlender) was the lawyer for Driefontein and had been for many years, and we set up this kind of Legal Clinic which...

Int ...through Cheadles?

AC ...through Cheadles, and ran it there. Which actually was a way of dealing with people around the immediate crises that were...that had developed, because as a way of making people move, they'd cut off everything. You couldn't get an ID document, you couldn't get a pension, you couldn't get medical treatment, they closed down the clinics and basically said: if you want any of those things go to the resettlement areas. And out of that, people then...we developed a legal strategy where people confronted the magistrate around his refusal to pay pensions, and they decided to, kind of, really terrorize him and any case there would just be vast numbers of people going to court. And Geoff (Budlender) then got involved in this pensions case, which was constructed to basically confront the magistrate. He then knew...said, as we knew he would, very racist things to them about 'to hell with you, I'll never give you pensions', took him on review, he lost the case. So we took little problems, day to day problems, up, and set up cases and took them on review until, basically, the magistrate's power was broken, which changed the balance of power, that alongside what was happening with Mogopa, really bolstered people's sense that they could win this thing. And ultimately they did win it, so, it was a kind of mixture of different strategies which, I wouldn't say the LRC wasn't initially receptive to...Geoff wasn't initially receptive to that, and then became very supportive of it.

Int What do you think was the reluctance of the LRC, or in particular Geoff Budlender, at the time?

AC I think...I think in relation to Driefontein, basically, (Saul) Mkhize had been killed, there had been this case where he...bru...ghastly case where the whole community went to court and there was this Judge de Villiers who kept on saying: the court must be cleared because people smelled. And this terrible little shit that had killed him, Nienaber, was sitting there and winking at people and winking at me because I was a young girl, and just so arrogant. And then he got acquitted, and I think...I think people just thought: Jesus, these things are hopeless, you know, you...and why do people now want to focus on the magistrate...you know, they're desperate, it's not going to go anywhere. I think it might have been that sort of thing. And once it became clear that this was very important then...and you know there was a very cooperative arrangement, Fink (Haysom)...Fink went overseas and Geoff (Budlender) babysat Mogopa and...so, you know, there wasn't an antagonistic relationship. The lawyers,

sort of, stepped in and out to actually provide assistance, and our role, I mean, we were really nannies for lawyers and we basically just had to, kind of, beseech and beguile them to do the different things that were needed and sometimes play them...Cheadle Thompson off against the LRC and vice versa, you know? Because, you know, after a few months TRAC expanded and employed a whole lot of other people, so that by the time I left, I think there were seven of us, because initially there was...And so we all worked with different groups of lawyers and we worked with, you know, Raymond Tucker, we worked with LRC, we worked with Cheadle Thompson.

Int Did you work with CALS?

AC Yes, John Dugard, but, you know, CALS wasn't litigating.

Int Sure, of course, but in terms of research?

AC Well, I moved from TRAC to CALS...

Int Ok.

AC ...and I went to work there for seven years. But, I..ja, you know, the CALS lawyers were at Cheadle Thompson, they couldn't litigate at CALS, so, in fact...and the person amongst them who was very engaged in this work, was Fink Haysom, you know? So that you got, I think, Geoff (Budlender) was the specialist in the LRC on removals, and Fink was in CALS and at Cheadle Thompson. And, you know, they had completely different ways of practising law, which were fantastically complimentary in that period where, what was happening in one community was strongly influencing what was happening in another, and basically, you know, through the incredible efforts of these different communities, all represented by different lawyers, finally, removals just got too expensive and they stopped the whole policy. And there was also something called the Rural Legal Trust where...which was based at CALS and Fink (Haysom) was a Trustee, Geoff (Budlender) was a Trustee, um...can't remember who the other Trustees were, and that was used to fund lawyers in some of the little towns to do some of the work and also to give them some advice and back up, because the process was too, you know, there were just too many areas where there were these problems and there were too few lawyers. Somebody called Clive Plasket, who was at Cheadle Thompson, also then did...

Int Also LRC?

AC Ja, ja. I wonder...he did fantastic work in Braklaagte and Leeufontein, and I think at that point he was working for Cheadle Thompson. Ja, so there...you know, there were a range of different lawyers at...Gilbert Marcus, who was at CALS not at Cheadle Thompson, he was very involved in the Mogopa case. And Bell Dewar & Hall, they were working with KwaNgema. So, you know, there were diff...whoever we could get, and some of them had been working there from before, historically, they

were...ja. It was quite a wide range of people and we all meet together and compare notes from time to time, and particularly in that later period when I was actually at CALS, we'd convene meetings of all the different people.

Int Did you have any association with the Black Lawyers Association, BLA?

AC Uhn uhn.

Int Not at all, ok. In terms of the Magopa case, I spoke to Alistair Sparks who mentioned how difficult the case was...when they went to the LRC, what were the difficulties they experienced, if you know anything about that?

AC Mogopa?

Int Yeah.

AC When they first went there?

Int Sure.

AC I think it was because, basically, they were really fighting between one another, and they said the case is about deposing the chief. I think, you know, this was before I was actually involved, they'd been there, and I think that they had gone from Raymond Tucker to LRC to other people and they'd basically said: we...the issue is not so much the forced removal, the issue is that we've got to get rid of this terrible chief. And people had sort of, said: well, why are you focusing on that? They were obviously absolutely right as he signed the...he agreed to the removal, and it's one of those situations where time and time and time again, the clients know what the key issue is and often it seems oblique to the lawyers, but it's the right, you know, they understand how the whole...obviously, you know, what the real dynamics underlying the process are. So, I'm not hundred percent sure that...ja, then when the whole crisis happened, we went to Fink (Haysom) and, you know, it was...you know, there was a big case to try and stop the removal, apply for an interdict, and Gilbert (Marcus) argued that case...Gilbert with, I think, Jack Unterhalter, at that time. Ja, and it was a disgrace, the court wouldn't give us an interdict and then we applied for Leave to Appeal to the Cons...to the Appeal Court in Bloemfontein, and before there was an answer, they removed them. So, that was also...and then they, you know, that was also a big legal turning point because then they repealed that section of the Black Administration Act that enabled them to remove people like that. But, ja, I mean, you know, I think, you know, my primary memory is of real co-operation between the different lawyers, and sharing of...sharing of information and in a way, you know, it was very few people who took this stuff on because they just felt it was desperate, and there was very little you could do legally, and there was very little you could do legally unless there was actual really strong community mobilisation. The legal stuff on its own hadn't worked, they'd tried it and it hadn't worked, it couldn't work. So,

you know, it was...it was...they did the work under pressure and where people could assist one another they did, and, you know, to the extent that there were different styles. I mean, Fink's (Haysom) style was much more political, which was, you know, appropriate in Mogopa and in some other areas. And, I think...ja, I mean...once Driefontein, you know...Driefontein and KwaNgema were the big turning point, the two of them, they got this negotiated agreement to stop...to...they got this reprieve, and Gilbert Marcus was the advocate for KwaNgema and there was a big lawyer for Bell Dewar & Hall, and, you know, it was this complementarity between the different lawyers that really worked, and Geoff (Budlender) was very, very strategic in those how to build up and structure those negotiations, and played a very important strategic role there. But, at the same time there was a massive court case in KwaNgema about the dam flooding, which really complimented that process, so, ja...The differences were much...the differences were, you know, valuable and important and provided for complementarity, but the overwhelming sense was that, you know, everyone was helping one another because everyone was bloody desperate about how...what to do about this, you know?

Int In terms of the major case, the Driefontein removal...was this around the time when Saul Mkhize was killed, and were you involved at that time?

AC No, I...the Black Sash...that was before, it was when I still working in the unions, and I was employed just after he had been killed, and that was when they were absolutely bleak. I mean, the interesting thing is that Driefontein didn't have a major case, KwaNgema had a major case, Mogopa had a major case. Driefontein had a...these skirmishes around the magistrate which were very important, but it was...that was...that success was not through litigation, it was...litigation was an element of it, but it was fundamentally a political campaign, really. And it involved this extraordinary interaction between the leaders at Driefontein and, you know, the LRC, using all the other stuff going on nearby, because KwaNgema where there was this big case, was right next door to Driefontein. And, you know, another very interesting thing is that, in a way, that whole strategic political approach was led by women and tenants, and during Saul Mkhize's time the leadership were these male land owners, completely patriarchal, completely fixated on law and litigation and, you know, I think...I think the fact that this other kind of leadership came to the fore after his death, may have had a lot to do with that they ultimately won, because it was a very different kind of leadership.

Int At what point did the LRC become very involved where they were coming almost monthly with Ilse Wilson; you worked closely with Ilse, I wondered whether you could talk about that, because I've interviewed Ilse also?

AC Well, that was this Legal Clinic ja, that was...which was started with Cheadle Thompson.

Int Ok, so that was started but LRC took over?

AC Ja, LRC took over, and...ja, so, that was from, I think...when would that have started...probably about...I think even '84, '85.

Int Right, so after Saul Mkhize was killed, and before Yunus Cajee moved to the area which was 1986?

AC Yes, ja, ja. I mean that was the criti...the reprieve was in '86, that was the critical, critical period and at that time, you know, these officials were coming, they were numbering the houses, they were...they were terrified of Driefontein, they believed that people would just murder them. They would come there...Beauty (Mkhize) was extremely, you know, confrontational, her husband had died and, you know...I remember one day just staying there and these...a whole big police contingent came, ostensibly the Stock Theft Unit, and her confronting them and telling them to get out and then saying: come, come, come, come, shoot me dead, here's my, you know, she did this whole thing, here's my grave, you can shoot me and then I'll just fall in and...And basically, you know, these officials would come and say: we have to do the removal, there's going to be this dam. And people would say: you bring Saul Mkhize back to life and then we'll go. So, there was real...the officials just didn't know how the hell they could do it, because every time they went there, they were confronted by this mob of people led by Beauty (Mkhize) who was completely radical and beloved, you know, people just rallied behind her. And it was quite extraordinary because she's from Soweto, you know, and this is a very patriarchal Zulu area where she's the third wife, and they just rallied behind her. And she had this big group of women who supported her. So, you know, there was that happening, and then there were the confrontations with the magistrate happening, and then there were the bloody bulldozers up...parked on the hill which, you know, got sabotaged and...Ah, and at that time...we didn't know all the details, people were just leaving the country through Driefontein, going into Swaziland. So, all of this stuff was happening, and...ja...

Int And Driefontein was a very different place from what it is now. I went there on Wednesday, but then it didn't have electricity, it didn't have water, no tarred roads before?

AC Mm. And, you know, at that time, white people were not allowed to be in a black area, so you had to have some sort of permit which you had to get from the magistrate, and we were staying there because it was...the roads were terrible, I don't know what they're like now, they would be better now, but they were really bad and basically, you know, we...people knew exactly **inaudible**, couldn't get petrol in the surrounding areas, they wouldn't fill our cars. And so, we stayed in Driefontein, obviously that's where we wanted to stay, but there was this whole thing that we mustn't be seen because then you could just get straight away arrested. And so there was this amazing thing that you could have complete freedom to walk around and that people would, sort of, protect you, basically because of Beauty (Mkhize), you know, because we were staying at Beauty's place and she had this enormous respect, but you had to, kind of, be, on the one hand, out in the open having this Clinic with hundreds of people coming, on the other hand, not there, you know. So, ja.

Int I was also amazed and impressed hearing accounts from Beauty (Mkhize) in terms of you and Ilse Wilson, Moray Hathorn and Geoff Budlender...having to make that leap into...coming from backgrounds where you have electricity, water, running water, you can shower, etc, and then staying at Beauty's house and having to do without that and I wondered what ...some of the challenges were in doing this type of thing?

AC Oh, worse than that, I mean, that wasn't so...you know, we would work so hard, I mean, we would get there and there would just be these queues of people with these desperate stories, and they had come from miles away and you'd just sit there and take statements and tell them...give them feedback. And at the end of the day Beauty (Mkhize) would say: you cook. And you'd have to bloody start cooking...this bloody fire and this big stove and, you know, I mean, she's quite stroppy, so that, you know, I'd think: God, you know, now I'm just so finished, to actually have to bloody cook. So the other...the part of, you know, the fact that there was this long drop far out and there wasn't water, was ok.

Int Right. (*Laughs*).

AC I mean, we used to have such fun with other...a lot of visitors came, a lot of people came and wrote stories about it, and they couldn't cope with it, and then we would mock them when they said: where can they plug in their hair dryer? Or they'd be too scared to go to the loo. So, I mean, I must admit that we had fun with some of the other people who came. Because we knew our way around, we knew where we could get borehole water, we knew the long drop was fine and, you know? But we really had some...we had some funny people, or we had people who it really discombobulated and...But, you know, I mean, that's the other thing that was going on there, people were saying: if you want to work with us, you bloody adjust. And they were quite stroppy, you know? And they'd test people, and if you didn't make the standards then you were made to feel very unwelcome.

Int But clearly from...from the interviews I've done with Beauty Mkhize, Jane Vilakazi and Yunus Cajee, you met the standards. By 1986, what had changed, because it seems to me that's when the reprieve came, did you continue working at...in Driefontein, and at what point did you stop?

AC Ja, no, I mean, basically the Clinic started to change, and that was what was so amazing about Driefontein is that people with different problems came, so we were really dealing with Labour Tenant Evictions and people from other areas, and it just became a focal point. So, there wasn't a sense that, oh, you know, we...they won the reprieve, plus a lot of problems...there were a lot of problems within Driefontein between the tenants and the owners, because suddenly, owners were saying we want to evict tenants, you know, the whole place is full of people which they needed when they needed to have the numbers, and this committee called the Council Board of Directors was basically having to intervene to say: no, these were our allies, you can't evict them. So, there were quite serious, very serious issues within Driefontein around security of tenure, but, mainly it was problems in the surrounding areas just to do with real farm murders and abuses that were taking place right through that period. So, I

left TRAC in 1990 and I went a few times, from CALS, but basically I didn't regularly go after I'd left TRAC in 1990, but the Clinic continued and had this very important role really, in relation to these farm evictions and farm abuse cases.

Int So, before 1990 when you were still working, at some point, Geoff Budlender, I think may have gone overseas and Moray Hathorn took over from Geoff Budlender, would that be right?

AC Well, Moray (Hathorn) got deeply involved in it...I think he took over from Geoff (Budlender) at some point but in any case he became, you know, the LRC Rural Lawyer. You know, there was...ja...probably in additi...where had Geoff gone? But I think...I think there was just so much work and he was doing the evictions work at that Clinic, having a terrible time, God, I mean, it was very hard work, you know, all of that stuff was very hard work.

Int And I'm wondering...if you could talk a bit about your memories around working with Ilse Wilson and Moray Hathorn during that period in particular?

AC Well, you know, it's one of those contradictory times where, you know, it was very, very hard work, very tough work, very devastating when people would come and had been evicted time and again, or these terrible murder cases, but it was also, you know, amazing that we stayed at Beauty's (Mkhize) place, that we...we all got on very well and, you know, I love Beauty (Mkhize) and, you know, she was...you know, she's one of those people who challenges other people, so...and I really enjoyed that. So, ja, I mean, it was wonderful...it was wonderful working with Ilse (Wilson), it was wonderful working with Moray (Hathorn), and ja, and this wonderful old man (Zeblon) Ndlangamandla. I think Moray had such a terrible tough time, because these magistrates and lawyers really went for him and they really tried to, kind of, you know, break him down. And previously what had happened is, you know, basically there would be a big eviction case and it would be in the Magistrates Court in Volksrust or Wakkerstroom, and the lawyer would come, you know, it's a four-hour drive, and he got up a four in the morning and then they would say they're postponing it, or they'd say: where's your Admittance Certificate? And basically, they had control over the arena and they used that to basically draw out the process so that it became very, very difficult to run these cases around individual evictions. Plus I remember, you know, Moray would go to the other lawyer and put out his hand and he would say: I won't shake your hand, what sort of a white man are you and, you know, it was those sort of brutal days, those things did happen. But...No, Moray is a very, very decent, straightforward kind of person and he found that hard, you know? And then there was a whole terrible incident where he hit a child who had run into the road and, you know, whose grandparents were there and said: yes, it's a tragedy. But the child had just run in front of the car and Moray went to the funeral and then afterwards they, kind of, got someone in the family to lay a charge against him, you know, of culpable homicide or murder, or something, and it was all to do with really trying to just victimise him. And because he's such a decent, straightforward person, you know, I think that this stuff was just really, you know, it was really just bloody hard, plus the travelling and, you know, the desperate circumstances of the clients. And then who are the cases in front of, these completely racist magistrates. So, I take

my hat off to Moray (Hathorn) for just persevering, as other lawyers, you know, also did, but he was the person who really just continued. And he formed this very close bond with a man called Baba Zwane, who was in Amsterdam, nearby, who was this extraordinary man. And I think, you know, for all of us there were...there were some people whom we just really connected with and who made the work really meaningful for us, and I think for Moray (Hathorn) it was Baba Zwane, for me it was Beauty (Mkhize) and (Zeblon) Ndlangamandla.

Int Can you talk a bit about (Zeblon) Ndlangamandla, because I didn't interview him?

AC Yes, he died.

Int Right.

AC He...he was a tenant and his name was Zeblon Ndlangamandla, and, in fact, you know, somebody should really write his story. He was somebody who had grown up on a farm and had been brutally treated by the farmer and had fled the farm. His family had then been evicted as a result because there was this whole system where the child had to work, the son had to work. And he went to Bethal, and he was there during those days of the terrible abuses on the potato farms, and he was involved with the night schools in Springs and he...he was the person who took Ruth First there, and apparently they had to hide her under the bed somewhere, and she wrote the story. And he was a, kind of, volunteer and he...you know, he was...he didn't speak any English, he spoke Zulu and a little bit of Afrikaans, and he was also a Sangoma, but he was this very solid figure who basically unified the tenants and the land owners, and who was just incredibly supportive of Beauty (Mkhize) and, in a way, was saying to the men: this is our leader and she may be a woman from Soweto, but, you know, she's a brilliant asset that we must support. So he played this very important role in this period when this committee of male patriachs was feeling devastated by what had happened, of helping, including them but changing it into something else. And one day we had this, Ilse (Wilson) and I, had this extraordinary experience where we were driving in a car and we were going from one place...a far distance and we were with Baba (Zeblon) Ndlangamandla and we were just chatting in English and we were talking about her father, Bram Fischer, and (Zeblon) Ndlangamandla was, you know, maybe sitting snoozing in the back, and then he said to Ilse in Afrikaans, he said: was Bram Fischer your father, does that mean Bram Fischer was your father? And she said: yes. And we had been...she'd been working there for years by that point, with him, for years, but she'd never said that was where she comes from and he had never said where he came from. And he said: well, you know, my children...I knew Bram Fischer, I knew (Oliver) Tambo, I knew (Walter) Sisulu, I was involved with Gert Sibande who was this guy called 'the lion of the East' and, you know, I was one of those people who was involved with getting the lawyers to come out here and deal with these cases and...And he had been involved, which we weren't...we didn't know at all, with this whole process of getting people out the country. And it was just this extraordinary thing to realise that, you know, we'd been working with him so closely for such a long time, but, Ilse hadn't talked about her background, he hadn't talked about his background and then they discovered this background in common. And in fact, you know, when...after Sisulu was released, I think Ilse managed to help to get



(Zeblon) Ndlangamandla to come up to Jo'burg and you know, Sisulu knew exactly who he was and, you know, he had been one of those real volunteers. So, you know, an extraordinary, extraordinary man who got very ill and there was no proper treatment, so he ended up...Tim (Wilson), Ilse's (Wilson) husband, organised for him to have an op, he had prostate cancer, at Bara, and, you know, and he was staying with relatives in Soweto, so when we went to fetch him...to fetch him from the relatives to go and take him...he was going to come and stay with us before he went in for the op...we discovered that, you know, he had these relatives that were very involved in...had been very involved in MK and this guy was...I've forgotten his...I think it was Siphwe Nyanda anyway, and he was sitting talking to his nieces and nephews there. And this was when...it must have been about...when would it have been...maybe '92, no, it must have been after that if the guy was out...maybe it was '95, or something like that. And he was saying to these kids: this is, you know, Aninka, this is Geoff (Budlender), I must tell...this is what we were involved in with them. And they were just so, sort of, bored, like: ya, Baba, it's fine, I know...yeah. And he was saying: but do you know who your great uncle...they called him grandfather...do you know your grandfather, do you know about him? Ja, ja, ja. And it was just like this complete, you know, lack of interest in this extraordinary history, which I think will change now. But, a couple of years ago, he sent a message...Beauty (Mkhize) sent a message to me and Ilse (Wilson) to say we must come because (Zeblon) Ndlangamandla's going to die. We went down there and basically just spent a couple of days with him, and I actually taped quite a lot of what he was saying about his history, and I must transcribe it and write it up. But he was...it was so extraordinary that what he was saying at that point, which I hadn't heard during those years of working with him, where, you know, he really loved me, he...he...you know, he was so worried that I wasn't married and I didn't have children, and he was saying: my God, you can't do this work and not end up with a family, my child, and...And then, when I got together with Geoff (Budlender), he said: oh, thank God. And you know, he would come and say: don't you want this herb for this, or that. And, you know, I knew that he loved me, I loved him, he loved me, and, you know, I thought I knew...I thought I knew him very well. Anyway when we went to interview him just a few years ago...

Int This is when he...died?

AC Died, ja. And he was saying: I have to be buried facing East and I mustn't be buried lying down, I must be buried crouching like an African. All this stuff, this white man's stuff, and missionary's stuff of being buried flat, is just, you know, breaks our soul and...and he was just talking about, you know, the past, and I realised how fundamentally the whole process had been...you know, he saw it as a racial thing to do with racial oppression, which clearly it was...

Int Also colonial?

AC Colonial, and to do with liberation against racial and colonial oppression, it was fundamentally about asserting African...not so much identity as freeing...freeing from racial oppression, the struggle was, and I just thought: how come, how come I didn't hear or see this to this extent during that time. Because he one day said to me, you

know: we need you because the only way you catch a bull is with a strip of leather cut from its own skin. And I said: what do you mean? And he said: it's because you are Afrikaans heritage, you know how to speak to these Boere, you know how their minds work, that you can help us in this intersection here, between our worlds. And I'll never forget him saying, you know: we are powerful within our world, but our world is contained within this other world, we have absolutely no power, and the only way that we can ever win this thing is, you know, through the intercession of...not intercession, through a kind of co-operative...well...through whatever...through collaborating in a way, with people like you who can see our world as it is, and respect it but also see how the power works in this other world. And so, you know, he had this...and, you know, he had this strong practice of pragmatic politics of working with whoever you could work with, and I felt deeply non-racial, deep...you know? My experience of it was of deeply personal bonds, and somehow maybe that didn't let me see the extent to which, when he looked back on his life and he talked about his life and he talked about what he had done, he saw the whole process in terms of racial oppression and deeply a process of freeing black dignity and, you know...not just from inequality and various forms of subjugation, but internally, as a process of being an African country led by Africans. Which, I mean, I wouldn't have thought he'd seen it differently, but I hadn't perceived the absolutely central focus that he had on race and Africanism, I suppose. Which was just, you know, gave me real pause for thought about perhaps how wrapped up I had been in what we were doing, that I didn't see or hear that, or whether that was something that came with him reflecting. I don't see a contradiction between the two, but, you know, they were...the...you know, the relationships were, you know, were inherently unequal in terms of the kinds of skills and resources that we had, that capacity to move between the different worlds. And, you know, perhaps we didn't fully appreciate the kind of reproduction of power relations involved in our own work. And maybe we couldn't have afforded to because actually we had to do it, it was...at that time, the right thing to do, but, you know, I do think that...you know, just in the practice of what we did, we did reproduce unequal power relations.

Int Aninka, I'm aware of your time...

AC Yes.

Int ...and so I wondered whether we could continue at another point, but I want to thank you very much for a most reflective interview.

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Legal Resources Centre Oral History Project

***PUBLISHER:***

*Publisher:*- **Historical Papers, William Cullen Library, University of the Witwatersrand**

*Location:*- **Johannesburg**

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***DOCUMENT DETAILS:***

*Document ID:*- **AG3298-1-028**

*Document Title:*- **Aninka Classens Interview**

*Author:*- **Legal Resources Centre South Africa (LRC)**

*Document Date:*- **2008**