

Peter Harris

LRC Oral History Project

6th December 2007

- Int Peter, thank you very much for agreeing to be part of the LRC Oral History Project. I wondered whether we could start this interview by talking about your early life experiences in terms of growing up in South Africa under apartheid, and the formative influences that may have led you to entering the legal profession?
- PH Well, I grew up in a fairly liberal family, with people always treated equally. It wasn't a sort of anti-apartheid activist family, but it was just a family with basic values...
- Int Did you grow up in Johannesburg?
- PH No, I grew up in Port Elizabeth. Went to school in Natal.
- Int Was that a boarding school?
- PH Yes, MichaelHouse. And again I think, you know, that the school also propagated certain values in terms of non-racialism and treating people equally, and fairness and justice. So I think that probably had some impact on me. And then when I was a student at Rhodes University I became politically active and got involved as a student activist. Reading (Nelson) Mandela's speech from the dock was a turning point I think. And...yes...I got involved in student politics, SRC and all that kind of stuff, and became increasingly active. So for me when I qualified, got my degree...
- Int And you'd gone straight into a law degree?
- PH I did a BA LLB, majoring in English and law.
- Int Ok. Why law in particular? Was there a reason?
- PH Well, I didn't really like maths and I wasn't very good at it so it limited my choice. But I always liked the thought of being a lawyer, you know. And it interested me and as I grew older in a sense, I liked the idea being able to practise law and what it means. Not necessarily as in human rights lawyer but just being able...the thought of practising law and the law interested me and what it could do.
- Int I'm going to take you back a little bit because you said you grew up in a relatively liberal family, treated people equally, had a boarding school experience, and then you went to Rhodes University, what actually prompted you to enter political activism? Was it particular student structures? What was going on at the time?
- PH Um...I think...well, I...it's hard to say, you know, I think it was just a gradual seeing that things were not right in the country and that it was an unequal system and

unsustainable and morally incorrect and that it was ridiculous actually, and it just needed to be changed. And that you couldn't have a situation with the majority of the people of the country were denied fundamental rights. And then of course the kind of overt repression of the sort of late sixties and of 1976 onwards. Which is the year that I was at university, my first year. And the country which was in turmoil but which we didn't really know much about actually. Then when I was at university I was...I won't say I was detained but I was picked up by the Security Branch on a couple of occasions and questioned, and that also in a sense solidified my opposition. And then through a girlfriend I met Paul Pretorius who was a former NUSAS president and a very serious and very good practising lawyer. And that's where my link with the Legal Resources Centre came...I think that's how it came, I can't remember...

Int Well, I'll be interviewing Paul Pretorius tonight. I was wondering, this was really the time, 1976, or earlier actually, 1975 of the NUSAS trial...

PH Yes, I didn't follow those much to be honest. I spent two years in the army, I was a platoon commander...and then I went to university. And I think also when I was in the army, you know, the war was going on in Angola...

Interruption (Interview resumes after a break)

Int Ok, you were talking about military service...

PH Yes, and when I was in the army the illicit invasion of Angola was taking place and I was the infantry platoon commander and...it irritated and angered me that this thing was taking place without the public being aware of it, it was that kind of illegal war that I knew was taking place and I just thought, you know, there's no accountability here, so it's a problem.

Int So you get to university, were you involved in NUSAS at all?

PH Yes. I was the head of NUSAS on Rhodes campus, for a period of time.

Int This was '77, '78?

PH No, it was later, it was in about '79, '80. I don't know, was it in 1980 or '79 also? Yes, I led the pro-affiliation campaign because at that stage Rhodes was not affiliated to NUSAS. And I led the pro-affiliation campaign to NUSAS, which in fact...which we lost...we lost by a narrow majority, the voting went against us and so Rhodes didn't become affiliated but there was still a very strong and vociferous and well organised NUSAS component on Rhodes campus, except that we weren't affiliated as a university.

Int Why was that? Was there a particular reason...?

- PH I don't know, there were...the sort of passive apathy of students, I can't remember what the exact vote was but you know, we lost very narrowly. But when the students voted, the majority voted not to affiliate to NUSAS. I can't remember what the voting figures were but it was very close.
- Int And was Grahamstown in any way like Wits or UCT? Did it have a contingent of black students at all?
- PH It did. But not a large contingent.
- Int Right. And did they set up their own student structures such as SASO...?
- PH To be honest they didn't play a role in NUSAS and there were no black student structures as I remember them at that point. I mean, I had a number of black buddies who, you know, we would drink together and talk politics and X or Y or Z. But I don't think they were in any organised structure. Maybe because there weren't enough of them at that point, and they were kind of scattered around the 'reses'. So as far as I'm aware they didn't organise into a block at that point...a political entity.
- Int So...through Paul (Pretorius) Pretorius you entered the LRC.
- PH Well, I...I'm just trying to remember and you must forgive my memory because it's a long time ago, but you know, Paul (Pretorius) did have a politicising effect, or influence, on me.
- Int He was already a lawyer by that stage?
- PH He was already practising as a lawyer and I just found him a very impressive and...yes, a very impressive person who had played an important role as head of NUSAS, and...yes, and through him I met other people who were very involved.
- PH No, it was independent of Paul (Pretorius) although I think Paul (Pretorius) had an influence on my political direction.
- Int So when you finished your LLB did you go on to do articles clerkship?
- PH Yes.
- Int And where was that?

- PH No, sorry, when I finished my LLB I came up and was a Fellow at the Legal Resources Centre. So I did a year there. I think I was the second Fellow, or the second bunch.
- Int And this was 1980s?
- PH 1981. I think there was one year before me.
- Int It started in 1979, so you're quite right.
- PH Yes, I think Paul Benjamin was the Fellow before me, if I remember correctly.
- Int Why the Legal Resources Centre...?
- PH Because I wanted to do something constructive and to make a contribution through the practice of law.
- Int So prior to joining the Legal Resources Centre were you familiar with the work of Arthur Chaskalson, George Bizos?
- PH Yes, very much so. I won't say in great detail, but yes, I mean, if you study law then you would know. You know the lawyers that argue the cases, you know the Rivonia Trial, that was an excellent one, and Arthur (Chaskalson) had... I had invited Arthur (Chaskalson) down to address the Rhodes Law School at the Rhodes Law School dinner, the final year dinner. And I went down and picked him up in Port Elizabeth and drove him up, and, you know, just chatting to him in the car, just very interesting. And I think that may have had some impact on me wanting to do it and to apply for a Fellowship there.
- Int Did he speak about the Legal Resources Centre at the dinner?
- PH I can't recall to be honest, in his speech, I can't recall his speech. I think it was a much more...just about the importance of law and what it can do and, you know...it wasn't a sort of...Arthur (Chaskalson)'s never been a sort of...an anti-apartheid campaigner that's been...that uses rhetoric, sort of wild rhetoric. It was a measured address.
- Int Coming in as a Fellow and getting involved in public interest law...his was the time of the key cases, the pass law cases, the forced removals...?
- PH Mmm, Charlie (Nupen) did that one. Rikhoto.

Int Right. That was Rikhoto. Were you involved at all in any of the pass law case work or...?

PH I did some...I think I might have assisted Charles (Nupen) in a very minor capacity. You know, as a law graduate you know, you actually know bugger all, frankly. And it shows when you go into the practice of law. So, you know, I assisted Arthur (Chaskalson) in some matters, I assisted Charles (Nupen), Karel Tip, and a couple of others, but in very minor capacities, you know, a bit of research here or they would ask for an opinion or something like that. But, you know, it was really bag work, to be honest. I don't think I played any critical work. I worked at the Hoek Street Law Clinic.

Int Tell me about that.

PH With Morris Zimmerman. And Sisi Buthelezi, who's now a judge. Now she's Sisi Khampepe actually. It was fascinating, I loved that. Completely loved it. It was great, handling cases, making phone calls, you know, even the small things dealing with domestic worker cases and people being ripped off by furniture stores and the 'this and the that', and you know we actually got results. We solved cases, we helped people and it was profound, to me. And in fact even after I left the Legal Resources Centre I continued, I think for about a year, a year and a half, working every Saturday at the Hoek Street. And I was doing my articles at Webber Wentzel at the time. Yes, it was a fascinating experience, you know, having lunch every day in the boardroom with Arthur (Chaskalson) and people like Sydney Kentridge coming in, and Johann Kriegler, and you know, all the big names, and George (Bizos)...it was a special thing.

Int So apart from the Hoek Street Law Clinic, within the LRC itself, were you privy to discussions about test case approaches, overturning apartheid legislation, that sort of thing?

PH Oh, yes, I was, I was, but really as a kind of bystander. I mean, I don't think I played any critical role in those decisions or the this or the that, but yes, there would be meetings and, you know, I would...you know, I remembered going down the Charles Nupen where we were launching applications in Grahamstown Supreme Court, Eastern Cape Supreme Court in Grahamstown...I can't remember what particular case that was, Charles (Nupen) would remember it, but we went down and spent the weekend working like absolute dogs launching this application, and for the life of me I can't remember what the application was about now, but you know, working with Charlie (Nupen) at a very, very hectic time was fascinating. And you know, Charles (Nupen) is a very fine lawyer. And working closely with Charles (Nupen) I learnt an enormous amount.

Int I'm wondering in terms of...at that time Parliament was supreme and apartheid legislation was supreme in that sense, so the LRC victories that were garnered during the eighties what do you think actually prevented the State from overturning those legal victories? What is your sense of this?

PH What prevented the state from overturning them? You mean passing new legislation?

Int Yes, or...

PH Well they could and they did frequently in terms of later applications that were brought in the mid to late eighties. I don't know. I...it's a hard thing to say but I think that in some ways the fact that...you know, that Rikhoto case for example, that Charlie (Nupen) brought which was a very, you know, one of those seminal case and would have massive impact...you know, it might have been at the time that they were realising the un-sustainability of certain of the pieces of legislations in terms of their administration and just having black people in white areas. It may have been because the case was brought by something like the LRC, which actually had a lot of credibility and stature in the legal profession, through people like Arthur (Chaskalson) and Sydney (Kentridge) and Felicia (Kentridge) and a lot of the people that were very, very senior people that were associated in the legal profession, so I think that might have given it some clout. Not that that necessarily bothered the Nationalist government in those days. They could do anything. And they did. Yes, I mean, it's a good question. It's hard to say why they didn't re-legislate, but I think it may have been to do with the fact that certain areas or certain apartheid laws were actually just becoming unenforceable, you know, like the sort of Immorality Act, you know, how do you enforce something like that? The pass law system, it was, I think, ultimately a numbers game. And the numbers were just too great and so I think that they gave in certain areas...not gave, but let it happen...and they let it stay. I mean, they could have overturned Rikhoto I suppose, but they didn't.

Int So do you think those are the similar reasons for why the LRC offices weren't bugged...presumably they weren't bugged...

PH Well you don't know that.

Int Yes, exactly. But...people weren't detained and offices weren't closed or banned.

PH No.

Int What do you attribute that to?

PH I think that, you know, we noticed it because a couple of us went on and formed a law firm, Cheadle Thompson & Haysom, which was a very activist law firm. You know, even there, even though we were, you know, actually in the thick of things frankly, and were much more activist in terms of the kind of cases that we took and so on, you know, I think we got raided once in ten years.

Int This is Cheadles?

PH At Cheadles, yes.

Int You moved to Cheadles?

PH Well, we started it.

Int Really? This I didn't know.

PH Well, that was after Webber Wentzel.

Int Right, ok. So you were at the LRC for a year.

PH LRC for a year, two years articles at Webber Wentzel, then I left Webber Wentzel and Clive Thompson had been an article clerk at Webber Wentzel and I'd known Halton (Cheadle) through meeting...through the people that I worked with at the Legal Resources Centre. And he'd also lived around the corner from me in Port Elizabeth although we didn't know each other at the time really well. So Halton (Cheadle) and myself and Fink (Haysom) and Clive (Thompson) started the law firm. I hadn't passed my board exam so I didn't go onto the letterhead because I wasn't an admitted attorney. And the four of us started it and Norman (? **inaudible**) came about a month later, and joined us from...he was with Raymond Tucker. We started it in March...the law firm we started officially before that Halton (Cheadle) had practiced in his garage in his home. But he'd registered a practice. But the law firm opened its doors for business, Cheadle Thompson & Haysom on the first of March 1984. And there were four of us, Norman came about a month later. Then Paul Benjamin came, because he was at the Centre for Applied Legal Studies. Yes, and then we started going. But anyway, to get back to your question, I think there was some kind of respect for lawyers that the regime had, strangely. Where they thought that it might be dangerous, I think to tamper too much with them, you know what I mean. If you crossed certain lines then they would detain you or arrest you, and that did happen to a number of people. But Arthur (Chaskalson) I think was extremely careful about which lines were crossed. So while he had structured the LRC to play a pretty significant role and you did...for example, one of the lines if you crossed, if you became a member of the ANC or you started being a courier or taking instructions or, you know, carrying out activities, and you would get arrested, and you would be charged, and you would be detained. But Arthur (Chaskalson) was quite careful to...and I think very correctly so, realising that, a lawyer in jail is no use to anybody. And still keeping the organisation in the sense of just the side of that line, but still making a very significant contribution

Int I'm just wondering, Peter, in terms of setting up Cheadle Thompson & Haysom, what were your the experiences at the LRC, granted it was a year – Webber Wentzel also has quite a good reputation in that regard in terms of corporate responsibility – I'm wondering what aspects of lawyering, public interest law work, and as you say, aspects of how to conduct oneself, particularly during the 1980s, you took into the practice?

PH Oh, we took a lot of it into the practice, and a lot of the people that came into the practice had been fellows at the Legal Resources Centre, so...myself, Paul (Pretorius) Benjamin, Urmilla Bhoola, Dolly Mokgatle...if you go through the Fellows...the Legal Resources Centre a lot of Fellows from the Legal Resources Centre just came on and did their articles at Cheadles. So there was a lot, but also I had become very active politically while I was working at the Legal Resources Centre, and Webber Wentzel in my spare time. Sort of out of office hours...and while I was at Webber Wentzel I did some representation of detainees, Auret van Heerden and a couple of others. And frankly corporate law didn't excite me, not after I'd been at the LRC. And so when I left the Webber Wentzel and Clive Thompson had also been an article clerk in the year above me at Webbers, and he said: you know, we want to start a law firm and we've been talking. Are you in or out? And I said: geez, I'm in, let's go. And, you know, so we opened for business. And obviously, you know, Halton (Cheadle) was a far more experienced and very respected lawyer. So he was obviously the senior partner. And he and Fink (Haysom) were working at the Centre for Applied Legal Studies, which was a, in a sense, a more academic arm of Legal Resources Centre, but very closely linked you know, we were all part of the same group of people, we'd go to the same parties, we'd drink at the same places, we would see each other at our homes. You know, it was one social circle. And yes, and that was under John Dugard at that point. So, you know, the limitations of operating from CALS and being in the big law firms, drove a couple of us to form Cheadle Thompson & Haysom, which we did.

Int You mentioned that during the eighties, separate from your work at the LRC and Webber Wentzel you were involved with political activism. Can you tell us a bit about it?

This portion of the interview was edited out by interviewee

Int I wondered whether you could talk a bit about the kinds of work,.. some of the prominent cases that you took on at Cheadle Thompson & Haysom and whether there were levels of association with the LRC and other organisations like Black Sash perhaps?

PH There wasn't a great association, I mean, we would talk to LRC and there was always liaison and co-operation but we never actually brought any cases jointly. But you know, at the law firm we brought...geez, I mean, just a ton of very large cases. A lot of the challenges to the Emergency regulations were brought through Cheadle Thompson & Haysom. One of the ones that I was involved in was called: MAWU versus State President. Metal and Allied Workers Union, brought in Durban, Ismail Mohamed was the senior counsel, (**inaudible**) was a junior, and we struck out a whole bunch of Emergency regs (regulations) that were limiting press freedom. So that was a nice successful one, we brought applications in Grahamstown, myself and Clive Plasket...

Int Clive (Plasket) was at the LRC at the time?

PH No, he was at Cheadles. He did his articles of clerkship. But he was at Cheadles. There were just tons of cases. We opposed a lot of the forced removals and represented thousands of detainees. We brought a lot of Emergency applications. We brought 11 successive interdicts in the Inkatha warlord stuff in 1987 in Maritzburg, trying to stop Inkatha. The Wendy Orr case. The Langa Commission. The Winterveld massacre. All the interdicts against Mangope and Brigadier Malope around 1986 and 1987. A lot of the big treason trials, Pietermaritzburg treason trial, Delmas 2 trial...Messina trial. Many smaller ANC trials, but those were the big ones. Alexandra Treason Trial. Represented COSATU and I was COSATU Executive's lawyer, Jay Naidoo's lawyer. I can't remember them all. The bombing of COSATU House. I was the lawyer for the South African Bishops' Conference, so we did all of their cases. Including when they got bombed too. I remember walking with Brother Jude Pieterse through the ruins of their building and their headquarters in Pretoria. Black Sash wasn't our client. Raymond Tucker was their attorney. Lots of interdicts against police from torturing detainees...Stanza Bopape was one of our cases. Representing a lot of Robben Islanders. Our clients were COSATU, most of the unions, South African Catholic Bishops Conference, some SACC work but I think...I can't remember who, they used someone else...most of the political organisations, the UDF and, you know, most of the anti-apartheid groupings. And a lot of prominent individuals. So...without being immodest, I don't know, but if you look at (Nelson) Mandela's first cabinet, you know, many of those people were our clients. Either in exile or here, or when they came back to the country. I was Chris Hani's lawyer until he was killed. We represented the SACP. Cyril (Ramaphosa), the whole bunch...NUM...so anyway, there were a lot of cases. I can't remember all.

Int No, you've remembered quite a bit. I'm wondering, how did Cheadle Thompson & Haysom survive financially, because I'm assuming a lot of this was pro bono work?

PH A fair amount was but we charged very little for our fees. We didn't pay ourselves big salaries, we paid ourselves very small salaries. Probably not dissimilar from the LRC salaries actually. I think probably less, but I don't know. But I don't know what sort of Charlie (Nupen) and Paul (Pretorius) and Karel (Tip) and Co earned there, but it wasn't a lot. I have no doubt. And we didn't earn a lot. But the unions paid, albeit not a hell of a lot, but they did pay. And the big treason trials were funded through a kind of conduit that was operating from London that Horst Kleinschmidt had set up through a law firm there called Carruthers.

Int Carruthers?

PH Carruthers. Which is exactly like it sounded, sort of very old, crusty, establishment law firm, but which was actually funding the ANC trials in South Africa. The lawyer there was a guy called Bill Frankel. And Horst (Kleinschmidt) had set it up, as he had most of the ANC funding, played an absolutely critical role. He was the main ANC fundraiser.

Int And he lived in the UK?

PH Oh yes, he was based in the UK. Lived in London. And he's travelled the world raising money for the ANC. But mostly with the Swedes and the Scandinavians, and putting together large trust funds. So we had trust funds. We had quite a large trust fund for COSATU, which I had assisted Jay (Naidoo) in raising money for. And the treason trials were funded through Carruthers, which was essentially ANC money, the money that the ANC had raised, and through another organisation called American Lawyers Committee for Civil Rights Under the Law. Headed by a very wonderful and impressive black American called Gay McDougall. And she also funded some of the big cases.

Int She was on the SALS board...

PH Oh really! Ok, well she's fantastic. And then I met up with her again in the '94 elections, she came across as a Commissioner.

Int So what's happened since then, Peter? You've worked at Cheadle Thompson & Haysom; how long were you there?

PH I worked at Cheadles, I was managing partner there for about eight or nine years...

Int So this is right into the 1990s?

PH Until the early 1990s. And then, you know, at Cheadles we were getting a lot of...when the ANC was unbanned we represented them. And the National Operations Committee of the ANC would meet every Tuesday at five o'clock in the offices of

Cheadles. And we would deal with a whole range of issues and I sat on that committee, as did Fink (Haysom). Who else? Can't remember now. And that was a committee of (Thabo) Mbeki, Aziz (Pahad), Sydney Mufamadi, representing the unions, Jayendra (Naidoo), Gebuza, Sipiwe Nyanda, a whole bunch of people. And then, you know, we'd deal with issues of the day that they were facing...

Int Did these issues, were they also dealing with CODESA negotiations?

PH Yes, a number of them. I wasn't involved when CODESA...from the law firm. I was representing the ANC in a whole range of other areas. But Fink Haysom and Halton Cheadle sat on a number of committees and advised on the constitutional negotiations. But I think it was Halton (Cheadle), I'm not sure if Fink (Haysom) was involved, but Halton (Cheadle) was also involved in the negotiation that led to the National Peace Accord. And when the National Peace Accord was formed, you know, there were three components. There was one where there's in a sense the rules of the game which we were trying to get everyone to sign, and frankly Cheadles had played quite a critical role, I won't say Cheadles, but certainly individuals had played quite a critical role in the structuring of the National Peace Accord. And those discussions all took place at a little restaurant called the Turn 'n Tender in Braamfontein, where myself and Jay (Naidoo) and Jayendra (Naidoo), André Lamprecht, SACC people, Halton (Cheadle), and we had kind of put it together. But I wasn't involved in the actual negotiation of government around making it happen. Halton (Cheadle) handled that; he did it very well. But then the National Peace Accord came in to being, and the country I think was divided into six regions and I was asked to head up the Johannesburg, Pretoria, East Rand and Vaal region of the National Peace Accord. So I was seconded from Cheadles to head up that structure. And the whole purpose of the National Peace Accord, as you recall was to try and bring a degree of stability and minimise the violence in the country to enable the negotiations at CODESA to take place. So Halton (Cheadle) and Fink (Haysom) went to CODESA, I went into the National Peace Accord and headed up that region. And then what happened? Oh, then after the National Peace Accord I got asked to go into the IEC because part of the results of the CODESA negotiations was that an election be held on the 27th of April. And I think, in December...

Int This is 1993?

PH 1993. I got approached...the IEC had been structured into various...two or three divisions. The one was election administration, which was essentially the old Home Affairs bunch, led by a guy called Pete Coleyn, and then there was the monitoring directorate, which was a separate division, or directorate as they were called, which was responsible for ensuring the free and fairness of the election. Because no-one trusted the old white officials from Home Affairs to run a free and fair election. So our job was to monitor them, but also to ensure stability in the country and to ensure that there was no violence and no fraud in the election process and so on. And the other directorate was the adjudication directorate, which was to adjudicate all the complaints that came through in relating to the electoral process. I headed up the monitoring directorate which was responsible for the free and fairness of the election.

So I was there for, I don't know, until about June. We ran through the elections. Very difficult. Three months to do a national election. Very messy.

Int You managed...

PH Just. So I stayed there until about June, then I went back to the law firm because I'd been seconded away, and then I was asked to do the establishment of the CCMA with Charles Nupen, and at that stage I was quite tired. Because we'd been going pretty flat out since like 1980. And I had, after the election, I had been asked to...as a result of what I had done in the election I got asked by the UN to go and advise on the Mexican election, be part of a UN expert team. Ten experts they sent into the Mexican election. It was a very big election at that time. I can't remember who the President was. But it was the first time they kind of opened it up. And the head of the electoral assistance division was a guy called Horacio Boneo, who'd headed up the stuff...all the UN observer teams, because when we ran the IEC there were UN people scattered everywhere to ensure that there was no crookery. Anyway Horacio (Boneo) offered me this thing, so I went there a couple of times...

Int So you didn't choose the CCMA, you decided against the CCMA?

PH No, no. I had done this before the CCMA, I beg your pardon. It was late in '94 I think, or '95. So I did a couple of consultancies for the UN in various other places, Mexico, Haiti, one or two other places, as an operations expert, which was fun. But it took me away from home, so I didn't want to do too many of those. But as a result of that I got offered a job in Stockholm by...it's like a sort of multi-lateral agency which various countries belong. It's The International Institute for Democracy and Electoral Assistance. They do a lot of capacity building and electoral assistance all over the world. And they wanted me to go in and be their director of programs. And I'd accepted that. And then Tito (Mboweni) came along and said: would I lead the establishment of the CCMA? So I said: that's fine, but I'm going to do it until June and then I'm bugging off, because I'd had enough, and I'm going to go overseas and take a break. And he said: that's fine. So for six months Charlie Nupen and I began – we'd worked at the LRC – set up the CCMA. We did all the business planning and operational planning, the whole thing, we set it up.

Int IMSSA at that time had already been in operation...?

PH Collapsed.

Int Collapsed, ok.

PH Had it collapsed? I can't remember. It collapsed around about then. But Charlie (Nupen) was long out of IMSSA, but still the primary mediator in the country. But anyway, so we set up the CCMA and then June came and I said, cheers Tito (Mboweni), I'm out of here. And I went and lived in Stockholm for a couple of years.

PHCan I switch this aircon on? *Airconditioning switched on*

I still remained a partner at Cheadle Thompson, and then I went to Stockholm and worked there and worked all over the world on their electoral programs, conflict resolution stuff. Published a book. And it was really nice work, you can really get things done in countries and we worked in most of Latin America, Central America, Eastern Europe, Africa a lot obviously...South Asia...

Int So this was '95?

PH That was in '96...I went in June '96. Spent just over two years there, working, thoroughly enjoying it and then decided to come back...

Int What was the reason for coming back?

PH Well, they offered me kind of a...potential promotion, and another contract worked for three years, I'd deliberately only taken for two years, because I didn't want to stay away for too long. You stay away for too long you lose contact and you lose your base, you know. And then when they offered me another three year contract at the end, I thought if I take this then I really become an international sort of diplomat, you know, you go on that sort of route, you know, and you're just spending like six years here, five years there, four years, three years, and I've got four children and I didn't want them becoming sort of international itinerants. You know, the school they were in Stockholm, every year a third of the school would turn over as people move on and this and the that, that's what happens in international schools. I wanted to have a base and to be rooted. And I wanted to come back to South Africa. So turned it down, came back and while I'd been there I'd been contacted by Clive Thompson and David Storey, and when we were at the law firm we'd always talked about starting a consultancy because the law firm's quite limited in the type of work you can do. Less so now but more so then. And Helen Seady and Halton (Cheadle) and myself, and a couple of people, Kuben Pillay, Azhar Cachalia, we'd talked about this consultancy. Anyway while I was away David Storey who had done some work in CALS, I can't remember...but David (Storey) had been my deputy in the National Peace Accord structure and he was an extremely capable person, got along well and I knew that David's (Storey) going to have a bright future. And he phoned me up and said: Clive Thompson and I are starting this consultancy and we'd like to invite you to come back and be managing director of it. So I said: ok, well and I didn't really want to...the practice of law didn't really interest me and I'd practised law for particular reasons. Maybe my view has changed now but then I thought, you know, we did it for a reason and actually it's over and I want to do something else. I was 42 or something. So I came back and joined David (Storey) and Clive (Thompson), it was just the two of them and one other person. And Clive (Thompson) bugged off within two months. So it was just David (Storey) and myself then. And so I took over as MD and we...the company was called Workplace Solutions then we reworked it and launched it as The Resolve Group. And, you know, it's now management consultancy.

Int So that's what you've been doing since then.

PH Since...I came back from Stockholm in October '98, yes.

Int In terms of public interest law do you continue to practise at all...?

PH We do a lot of legal advice to governments and obviously to public sector organisations. At Resolve we...our clients are quite...most of the national government departments, a lot of state identities, Transnet, Johannesburg, a lot of local governments, a lot of private sector companies, blue chip companies, and we do a lot of legal advice but that's not our core business, but I still do a lot of that. You know, we do a lot of work in Africa, so...you know, Halton Cheadle left the law firm at much the same time that I did, and Urmilla Bhoola. We all came across to Resolve.

Int So Halton (Cheadle) is here?

PH Halton (Cheadle)'s been here since '98. Sorry, '99. March '99. So we moved together. Well, I moved about six months earlier actually. When I came back from Stockholm I came straight here, it was in October '98. And then when we re-launched after a period of planning, etc, etc, we re-launched in March. And in March '99 Halton (Cheadle) came across and Urmilla (Bhoola). And Halton (Cheadle) and myself and Urmilla (Bhoola) had done a lot of advisory work around employment equity issues. A lot of work in Africa drafting regulatory frameworks, so...you know, we've done all of the labour market legislation for Tanzania. We drafted the legislation, the policy. We drafted their...is it eight...interlocking pieces of labour legislation. And their entire labour framework. they have a market policy plus their social welfare policy. I was in Sierra Leone three six months ago where we were advising the Sierra Leone government on judicial sector reform. We drafted labour legislation in Mozambique, Botswana, Lesotho, Namibia, Tanzania obviously, but most sub Saharan African countries we've done a lot of drafting legislation. We've drafted freedom of information legislation in...policy legislation in Ethiopia. And doing a lot of work in Ethiopia now with Pascal Moloi, our MD. I stepped aside as Managing Director last year in May. Pascal Moloi came in, so I'm now in the position of Executive Chair. So we do a lot of work in Africa, and a lot of which I think is a real contribution. We do a lot of work with Charlie Nupen actually, drafting legislation for the ILO and a variety of countries. So we still do a lot of work that I think is very socially relevant and I hope makes a contribution. I don't know, we'll leave it for the clients to decide.

Int I'm wondering...coming back to the 1980s...the fact that the LRC had set itself up as this public interest law organisation, what do you think, just your sense of given that you had left after a year...during the eighties the LRC had taken cases that very much aligned itself with ANC kind of ideology of interest, and people such as George (Bizo) and Arthur (Chaskalson) had represented ANC officials and detainees, etc. I'm wondering in the 1990s you find the LRC then having to take cases against the ANC as a government, I'm wondering what do you think...what can you attribute this to in terms of its change and...

PH I think it's completely the correct and moral thing to do, you know. The fact is that what they're doing is acting for people who don't have a voice and there's that same moral obligation that the LRC and others felt to act in a particular way during the eighties...I think exists now but it still exists in relation to the dispossessed or the people that are not receiving what they should in terms of the new dispensation. And if that involves taking on government or other institutions that's what you've got to do. A very brave move...but an absolutely correct one. And a certainly appropriate one and I take my hat off to them that they're still fighting land cases and housing and this and that, I think it's absolutely fantastic.

Int In terms of funding, during the eighties the LRC had core funding from the United States, from Ford, Rockefeller, Carnegie and that's subsequently dried up at most organisations...

PH Yes.

Int There's been this level of discourse about the fact that the funding really ought to be coming internally from corporate world...

PH It should be.

Int ...and the legal fraternity...

PH I agree, absolutely. I would agree with that completely. I think it's very important. We should no longer have to rely on the foreign benefactors for funding. I think internal corporates should be doing that. They can spend, you know, five hundred thousand to sit in a tent outside the conference in Polokwane, you know, they can give five hundred thousand to the LRC to address basic issues in this country which require to be addressed, so...you know, I would completely support that.

Int But the other thing is that during the eighties the LRC had a very specific focus, it was very clear. But in the 1990s and certainly now, in post apartheid rule under transitional rule, it's become more difficult to pinpoint what the LRC does, what its specific focus is? Do you get that sense?

PH I think it's more difficult, yes, because things were much more defined in the eighties. You knew who your enemy was, or you hoped you knew who your enemy was. But it was a much more defined struggle, you know, it was a struggle for survival, and the National government was a clear target, and all allied to it. So you know, yes. I think there has obviously been a blurring because now we have a democratic dispensation, it might not have delivered where it should, which I don't think it has in terms of housing, running water, basic sanitation, a whole range of other issues. But I also think that, yes, so there's been a blurring but I still think that there is a very, very real and important need for something like the LRC, to be there, to address citizen's rights where they are being infringed on or abused. And whether that be **(inaudible)** through

government or a group of farmers or a group of shops, retailers, X or Y, I think that that need is still there. I think, you know, the decline in civil society since '94 I think is a loss for the country, and I think in many ways, you know, some of the structures that were up and running, if they hadn't collapsed due to lack of funding generally, you know, we would have a much stronger and more vociferous civil society. I mean, I still think we have a good and strong vociferous civil society compared to a Namibia or a Mozambique or an X or a Y, but you know, these things need to be sustained.

Int I'm wondering, in terms of your engagement with CODESA and then with...

PH I wasn't that involved in CODESA, I was in the Peace Accord.. Halton (Cheadle) and Fink (Haysom) were.

Int Right. In terms of rule of law in South Africa now, in a post-apartheid transition era, what are some of the challenges and how do you think the LRC could take those challenges up?

PH Um...I think there are challenges around delivery at a national level within the various departments. I think a number of national departments are in a state of absolute crisis. From health to education to security to land to a range...others are less so. And in terms of what they should be doing, my sense is that they should be held accountable. So for example, you know, the pensions case that was brought in the Eastern Cape for example. Very important case. You're getting elderly people who are not getting their pensions because some government official is not getting their act together. And government needs to be held accountable for that kind of stuff. And I think the LRC is one of the organisations that should be doing it. There are a range of others. But, you know, you can't have government not fulfilling its obligations to its people. And that goes, you know, throughout a whole range of areas, whether it be health, welfare, human security, education. So I think that's one area where it needs to be addressed. I think that the other area is in relation to the land issues, because I think that unless we address land redistribution appropriately and correctly and quickly, we will have a problem. So I think land is a critical area. I think also in a sense the abuse of communities, whether it be by developers, government, other institutions, is an issue. I think people's rights in poorer communities just don't get taken cognisance of. You know, I think there are communities around Johannesburg that don't have running water. Local government needs to be held accountable on some of this stuff. They need to clean it up. And I think that they need to be compelled to do it. And then of course there's the activities of corporates, you know, whether it be in terms of pollution, environmental issues and so on. So I think there are a couple of clusters, but I think that the primary cluster is holding government accountable.

Int When you were at the LRC as a Fellow, you were quite fortunate, you had people such as Arthur (Chaskalson), Sydney Kentridge...

PH I was very, very fortunate, I learned a lot.

Int And then you had, you know, a sort of a middle level of lawyers, younger lawyers like Charlie Nupen, Karel Tip, etc. It seems that currently there isn't that ability to attract very good quality lawyers because the opportunities are so great elsewhere, so the young lawyers who come in have a difficulty in terms of actually getting that different layers of lawyering as such...

PH It is difficult. Look, those were exceptional people: Karel (Tip), Paul (Pretorius), Charlie (Nupen), and I was very fortunate to have worked with them and I learned an enormous amount. But I think it probably is difficult now, you know, in a sense then people were doing it for different reasons...well, I won't say they were doing it for different reasons, the reason should still be the same, which is serving the community or serving those in need. But the need was far greater in a sense. I think the LRC people like Charles (Nupen) and whatever...I certainly wouldn't count myself, on the kind of lower rung of people, but certainly that middle tier was exceptionally strong. Geoff Budlender, I've forgotten Geoff, he was a remarkable guy.

This portion of interview edited out by interviewee.

- Int Reflecting on your experiences, you've had a long history of doing public interest law and I wondered whether you'd have a sense of...having taken you through those years in terms of the year at the LRC and then of course Cheadle Thompson & Haysom as well. What was that experience like for you in terms of where you are now?
- PH It was fantastic. I wouldn't...I was very lucky to have been there and to be able to make a contribution. It was great. I learned a lot.
- Int What are the stories that remain to be told?
- PH (laughs) There are lots of them.
- Int (laughs) Do you have any?
- PH I've got a few, just as everyone has, I'm sure if you ask Charles (Nupen) or Paul (Pretorius) or, you know, everyone, they may have thousands, thousands. And they're all inside our heads.
- Int What are some of your funny memories as such? You've worked with Morris (Zimmerman) and...
- PH Yes, he was fantastic, a wonderful old man. You know, there are always funny stories about Morris but I can't remember any now. He was just such a character. He was fantastic. Wonderful, absolutely wonderful. Well, I do remember one story with Charlie (Nupen)...Charlie (Nupen) and I were working in East London, and we were working pretty flat out, and he wanted to ask Arthur (Chaskalson) something and he phoned up Arthur (Chaskalson) and he said...it was Yom Kippur – and he said: Hello Arthur (Chaskalson), I'm sorry to disturb you, Happy Yom Kippur. And Arthur (Chaskalson) said, because as only Arthur (Chaskalson) could: Charles (Nupen), it's a day of atonement, it's a very sad day. So you don't say Happy Yom Kippur. And I remember Charles (Nupen) putting the phone down and saying: 'Geez, I really blew that one' (laughs), saying to Arthur (Chaskalson) Chaskalson, Happy Yom Kippur. Anyway, that was one of the things I just remembered from the LRC, one of the lighter moments. But there were lots of them. I just can't remember, it was such a long time ago. But there were lots of them.
- Int I'm most impressed by the level of energy, because it certainly seems like you've lived through apartheid and...well, the eighties certainly, and transition, with such absolute energetic input...
- PH Well, you know, I think most of the people that were at that LRC and lots of other institutions, you know, they were energizing times.

- Int What's become of Cheadle Thompson & Haysom as a law firm?
- PH Well, you know, all of us have left. All of the founders. Halton (Cheadle) is still on their Board as a Director. I resigned because I thought it was a conflict of interest, potentially. Fink (Haysom) left. Fink (Haysom) is now chief political advisor to Ban Ki-moon. Azhar (Cachalia) went to the Bench, he's a Supreme Court of Appeal judge. Paul Benjamin is still there, practising from Cape Town. Cheadle is employed here, Halton (Cheadle), because he's been here since '99. Amanda Armstrong went to Werksmans. Helen Seady went and became a labour court judge for a while and then stopped practising law. Who were the other partners? That was the kind of core. Thabo Molewa got murdered. Richard Spoor left. But basically everyone's left and there's a whole new crop of very good lawyers and very nice people who...you know, they don't do the same work anymore because generally the work doesn't exist and they don't do...you know, they still act for the unions. But the work's changed.
- Int Now, I notice that a lot of companies like Webber Wentzel, etc, have corporate social responsibility...
- PH They all do now.
- Int Is that something that's...?
- PH I think it's great, I think it's fantastic. I just wish they'd done it a long time ago when the country really needed it, but I think it's great that they're doing it now. You know, I heard that Derric Reid and what's his name, he was also at the LRC, Moray Hathorn, you know, is devoted solely to this work at Webber's which I think is absolutely fantastic.. But I think it's great that they've done it and it's very welcome and it's very necessary. You know, most companies have quite large corporate social investment programs. You know, we have one here which is quite substantial. I think it's great. I think the country needs it, you know, but I think, you know, they should channel something into the LRC too. So should we for that matter, if we're pointing a finger elsewhere.
- Int I'm wondering, Peter, whether there's anything that you'd like to add to the Oral History that I have neglected to ask perhaps?
- PH I don't think so, you know, I've got a bad memory.
- Int (laughs) You've done well.
- PH No, I mean...exceptional place, exceptional people, exceptional work.
- Int Ok. Thank you very much for your time.

PH You're welcome.

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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:- AG3298-1-059

Document Title:- Peter Harris Interview

Author:- Legal Resources Centre South Africa (LRC)

Document Date:- 2008