

Nomali Tshabalala

LRC Oral History Project

1st August 2008

Int This is an interview with Nomali Tshabalala and it's Friday the 1st of August (2008) Nomali, on behalf of SALS Foundation, Washington DC, we really want to thank you for taking the time to agree to participate in the LRC Oral History Project. I wondered whether we could start the interview, if you could talk about your sense of social justice and injustice and where that developed, and also some of the formative influences that may have led you into the legal profession?

NT As a black South African in South Africa in the apartheid era, one of the avenues to redressing the imbalances, I believe it was through education, and I believe it was being involved, you know, studying law. Ask me how I chose law as a course or as a profession? Career choices were somewhat limited, you were either a teacher, a nurse, a medical doctor or a lawyer, you know, and who advised me to take law as a career, it was my English teacher...

Int ...at high school?

NT ...no, we used to call it...you would now say it's...

Int ...secondary?

NT ...secondary school, he is Mr Khumalo (**Inaudible**). Khumalo, he was my teacher and he said: you'll do well in law. And that's how it happened, so, when I finished my Matric I then went to Fort Hare to study law and there was no, like, assessments done, you know, based on what he had said, and remember, our teachers then, the relationship with the students, I believe, was more intimate, more tense, you know, and, you know, your teachers were your guide and they had your interest at heart so, it was, you know, whatever they were saying to you, it's something that you took very, very seriously and they wouldn't just be uttering such words of advice, you know, just for the sake of saying it, so, that's how I ended up doing law. And, yes, I went to Fort Hare.

Int What period did you go to Fort Hare?

NT Um, you know, when you start asking me these...well, Fort Hare, I didn't...don't know when I finished my Matric...don't do this to me (*laughs*)

Int Okay....was it perhaps pre 1976?

NT Yes, it was pre 1976. I was in Fort Hare '71 to...1971 to 1973, and there was a student strike at Fort Hare, participated in it, and was then suspended for five years, so, in the five-year period I then had to work at Checkers, which is now called Checkers

Shoprite, I was working at Checkers in Primrose, very interesting, I was earning...what...150 Rands at that time. Then moved to Makro...

Int Which is now a shopping...?

NT Yes, it's a mass stores group, and I worked there as a Filing Clerk, saved enough money to then go back to school, and...it was after the five-year period so...The '76 uprisings I was...

Int ...it was in between this...?

NT ...it was in between, and at that point in time I was working at Checkers as a Goods Receiving Clerk. So, I can remember, you know, how, and listening to the radio, you know, and as we're getting the reports of what was happening, you know, and using public transport, you know, having to now go back home, you know? And Primrose was one of those suburbs which, you know, like really quite obscure and awkward to get to, you know? So, yes, '76 was the in-between period and then I went back to Fort Hare to complete a further five-year period, and I then converted to a BPROC, completed after two years, then went to Wits...

Int What period did you go to Wits then...was it about the 1980s...?

NT It was the '80s now...

Int ...so did you need a...permit to go to Wits?

NT Yes, I mean, I mean firstly, you know, I mean, for want to have gone back to Fort Hare after the suspension because one way of breaking the strike it...it was a pre-requisite, that you had to, basically, disassociate yourself, you know, and say: I'm not a part of the strike and point other people out, you know, to say: I was influenced by A, B and C to participate in the strike, you know? And that's not something that I was prepared to do. I mean, because I was not influenced by X, Y, Z, you know...?

Int And also to name names...

NT No, it's not...it's not...it's an unheard of thing, you don't do that, you know, and I believed in the cause when I participated in the strike, you know? The fact that it was my final year, you know, is something that should have influenced me against participating, but the cause was more than the...you know, the degree itself, so, that's what happened. And remember, I mean, what were the opportunities available, so that's how one ended up having to work at Checkers as a Goods Receiving Clerk.

Int Right.

- NT You know...and when I went to Makro, I was a Filing Clerk, you know, earning 200 Rands a month, you know, and...but then...one...one was able to save enough money to go back and pay for school fees and when I got to Fort Hare, you know, before I could resume my studies I had to go and meet the Rector for him to determine whether I was now, you know, a student that he wanted in his university, you know? And it was like a five-minute interview and it was now said, look fine, you can, you know, go to study now, remember five years it was now a huge gap. The people that you studied with, you get to class, some of them are now the lecturer. You know, and you have to be taking instructions, but I enjoyed it. Because...
- Int Sorry, Nomali, when I interview people, particularly black lawyers, they always tell me that when they went to Fort Hare and then they went to Wits, it was like night and day in terms of the experiences and education. Did you experience that? Do you think that you had been mis-served by the kind of education you'd received at Fort Hare?
- NT The one thing that I...it's a yes and a no. The one thing that I saw at Wits which was being done, and for me, it was something which I did not take too kindly to, because at Wits there was a lot of spoon-feeding. There was a lot of spoon-feeding where when a lecturer walks in and starts, like, saying: you know, like, I'm going to be teaching you oral history right? If he's not distributing notes, right, the...um...you know, the white students will say...I mean, are we going to get hand-outs? You know, that's the first question that is being asked, you know? Whereas at Fort Hare, yes, it was...the conditions were not great at all, they were not at all great, because you found that the entire...the entire students in the whole faculty, they had about two sets or three sets of law reports, understand, from your...basically your grade ones, I mean, like, you know, first year students to your LLB students, you're sharing the same law reports, right? And how is it possible for you to be able to do that, you know? So, um, I believe what was the advantage when I got back, was that some of my contemporaries were now lecturers and they were very lenient, they would allow me to use their library, you know, to access, you know, information. So, in that sense, you know, the good was now, I mean, working out for me as...the bad was now being used as good for me.
- Int Sure.
- NT Yes. So, that's what happened...
- Int You also mentioned off the record, before we switched on, that...at Wits you were very lucky because you took a course called Practical Legal Studies, and I wondered whether you could talk a bit about that?
- NT Well, Practical Legal Studies is a...is one course which led me, and it was an avenue for me, to be able to assist, you know...you know, basically contribute to the upliftment of the black man. Because with Practical Legal Studies which was a course that was being offered by Wits through the Legal Resources Centre, where we had the...our lecturers were practitioners from the Legal Resources Centre, and one of the things...

- Int So it was Arthur Chaskalson and Felicia Kentridge?
- NT Um, Arthur Chaskalson was there, Felicia Kentridge was there, um, Geoff Budlender, Paul Pretorius, Karel Tip, Mahomed Navsa, um...who else was there? Mama Vesta was at the Reception, the late Thabo Molewa, he was a Fellow, William ?inaudible, I don't know whether you've met with him?
- Int No, actually. I'll get the name from you. So, when you were doing the Practical Legal Studies they would come from the Legal Resources Centre and give you seminars, and then you would interact with clients, is that how it worked, or you would go to Hoek Street, how did it work?
- NT No, you'd...you had the lectures but then there was the practical side of it, so the practical side entailed you attended at the Hoek Street Law Clinic to assist.
- Int Right, and was that on a Saturday?
- NT No...it was not on a Saturday. You had a day which was allocated to you, it was a weekday which was allocated to you when you would attend. But now when you are attending you'll then be attending with your tutor who was, like, the supervising attorney. That's where I met Mr. Zimmerman, Morris Zimmerman, Sis Pinky (Madlala), Faith Madladla (this should read Maqubela)...who was this other lady? She's still with the Black Lawyers Association, she's now...oh, I've forgotten her. I can see her.
- Int Not Faith Maqubela?
- NT No...Faith Maqubela, yes, no but there's another lady also. She came from...
- Int I think I know who you're talking about.
- NT Yes.
- Int Sorry, today's not my day for remembering specific names...
- NT Yes, so, um, where...what would happen is that when you got to the LRC you were basically an attorney consulting with clients, drafting letters, you know, sending out letters, so, I really liked it, I enjoyed it and I know I would go there more than once a week. Yes, and there was Mr. Zimmerman, and...
- Int Could you talk a bit about him?

NT Mr. Zimmerman, the one thing that I remember and even now some of the rest are getting it wrong, you know, where he'd be teaching us about serving and filing of PDs, you know, he'd now say: you serve and you file, you know? And Mr. Zimmerman, he was a very elderly gentleman, he knew his law, he had a heart, you know, for the disadvantaged, you know, for the blacks, and he was out, you know, to make his voice known. He's the kind of man that, you know, when there were to be someone served or a letter of demand, he would go there, you know, with the client to go and serve, particularly, you know, where you were dealing with the...you know, like the people that were prejudiced, you know, um, you know, um, it was blacks, you know, he would be there. So, I know he taught me quite a lot and...Sis Pinky (Madlala) also she...Sis Pinky and Faith Maqubela, ja, they were...they kept the LRC, they were the LRC, not the LRC, the Hoek Street Clinic, they were the Hoek Street Clinic, you know, and when you came there, you know, they would...I mean, like, they would train you, I mean, they would run with matters, you know, to finality. And, you know, even like the drafting of letters...because what would happen is that you'd be, you know, like you've studied, you know, like a letter of demand, but now you must now draft it practically, you know? Once you've drafted the letter, your principal, right, would then be the one to check the letter and to ok it, you know? So, I loved it and I enjoyed it. But one beautiful experience, on my way to the LRC from Wits, and at the time where there was still the Pass Law blitz, you know, where you had to carry your pass, if you don't have it and you are stopped, you get arrested. I'm from university, I'm rushing to Hoek Street, I'm going to help people, I get stopped by the police, I don't have my ID on me (*laughs*) and I'm now getting arrested because I don't have my ID and I then...the bonus...I just said: listen, I'm going to the LRC to help other people, you can't be arresting me here for my ID. And then this policeman looked at me and I said: yes, I'm going to the Hoek Street Clinic to help black people, you are arresting me. I said: let me tell you, release me so that I can go and help, and he did. (*Laughs*) This man looked at me and said: just go. You know...

Int Amazing...

NT Yes, you know, you are there to serve but you know you have to watch your back all the time, you know?

Int Right. I wondered whether you could talk a bit...because this comes up so much in interviews, if you could talk a bit about 'Sis Pinky' Madlala because as you knew she...I told you, she just passed away, and we'd like to have some memories of her...

NT Sis Pinky (Madlala) was a mother to everybody at the LRC. Sis Pinky, I think she had studied law, but...

Int She was a paralegal...

NT She was a paralegal, she had studied law but had not completed, so she was a paralegal. And Sis Pinky (Madlala) was very passionate about her work, you know, and her clientele. When people came to the LRC they had a face, they had a name, you understand what I'm saying? They...it's not a client, you follow what I'm saying?

It's not a merchandise, you were dealing with people, that's what I loved about the LRC, and I think that's...about Hoek Street, and I think that's what I could relate to, where black people were being treated as human beings, given an opportunity, you know, to be human beings not, you know, merchandise, if you follow what I'm saying? Where your sense of importance, your sense of value was highlighted, where your problem, legal problem, you know, would be attended to, right, and you'd be assisted legally and at no cost, right, at no cost. All it took, it was just volunteers...

Int Right.

NT Right. And I know that I so loved and I enjoyed the course to such an extent that...How I ended up at the LRC, it was because...how it happened, there's a gentleman, I think you've spoken to him, I don't know if you've interviewed him, Paul Benjamin.

Int I'm interviewing him in Cape Town.

NT Yes. Paul Benjamin was my lecturer for one of the courses that I was doing as an elective, was Labour Law. So, one of the ways as a student, to make money, right, is to photocopy, you know, or be a Library Assistant, so, the Centre for Applied Legal Studies, they asked me literally to assist with their photocopying. And what it means that I'll go there after hours, or in the afternoon, and I'll find all that needed to be photocopied and I'll photocopy it, and as a, you know, quid pro quo, whatever material I needed to photocopy...

Int Right, you could do that...

NT ...for my studies, I could do that. And so, Paul (Benjamin)...it was the end of the year, asked me if I had secured Articles, and at that point in time it was very difficult for us, as blacks, to get Articles and even in the law firms that you were appointed to, some of them used the quota system, others would not even look at you. So, with the...ja...what then Paul (Benjamin) did, he asked me if I had Articles for the following year, I said: no. He said to me: you know what, the LRC would love to have you there as a Fellow.

Int Right.

NT Right. And that to me was an A-plus, because, yes, I had no Articles, but going to the LRC, I knew it was a springboard, and it would put me on the map. So, I then went for the interview and indeed, I was appointed to the LRC.

Int So you were a Fellow there in 1983?

NT I was a Fellow in '83, yes...ja, it was in '83.

Int That was such an important time, because the LRC started in 1979, and by the time they got to 1983 there were these amazing people, there was Arthur Chaskalson, as you mentioned, Geoff Budlender, Karel Tip...

NT Paul Pretorius.

Int ...Pretorius, Charles Nupen, I wondered...and Mahomed Navsa, I wondered whether you could talk a bit about the important cases, for example, Rikhotso and Komani and your involvement, as a Fellow?

NT Well, as a Fellow...with the Rikhotso, I asked Charles (Nupen) to...if he still has that photo where...when we had gone to collect, with Rikhotso, his ID, at the Germiston Department of Labour, you know, to be there with Charles (Nupen), you know, and, I mean, like, to see Rikhotso getting that stamp, you know, to say he's now a citizen of South Africa because he has worked for over ten years, that was Section Ten 1b, you know? You know, it's history, you know, those are some of the things that you can't explain to people, you know, because that was a milestone achievement, that's how a lot of the blacks in the neighbouring states were now able to, you know, gain citizenship in the...in South Africa, you know. So, get Charles (Nupen) to give you a photo of that, you know...

Int Absolutely, thank you.

NT The Komani, I'm just trying to remember what it was all about.

Int Can you...when you went with Mr. Rikhotso, can you please, like, recount the kind of...your memory of that experience, because I think that's important historically?

NT I mean, I remember seeing the gentleman, you know, you know, it was like 'the' day for him, you know, remember it was the test case, you know, and, you know, when we went there, like, it was, like, everybody, the whole media, you know, everybody wanting to, like, see him getting this, like, the stamp, but more than anything else, it was the peace that I take from Rikhotso, you know, to actually, like, you know, I am now finally a South African citizen, you know? That's the memory. And Charles, you know, him having so...worked so hard on this, he was happy, but I think there was a sadness to say: did we have to go all this way, for this, for a basic Human Right? You follow what I'm saying?

Int Yes

NT And I think it's...it is that sadness that even as I'm talking now, that I am feeling, that, you know, is this how human beings are to be treated, you know, by virtue of the colour of their skin. Is this how it ought to be? It's not supposed to be, you know, and...

- Int So, in a way, you were really fighting for fundamental basic Human Rights?
- NT Yes, and...the capitalist mentality, right, these men are required to be here, right, to work hard, right, and at the same time they cannot have...
- Int Their families....
- NT ...their families here, they cannot have even the permanent residence here, right. The conditions under which they work, right, and under which they live, right, why do break families?
- Int Sure.
- NT Why...why do...do that, you know? And the people that are being served, right, everyday and every second, they are with their families. It's not right, it can never be right, you know. So, those are some of the things that...you ask me now, for instance, I...I'm specialising in Labour Law and opportunities have always been there for me, to represent management, but that's not me, you know. I'll...I want to do it for the unions because that is for me, my own contribution to the struggle of the black man. It's not the podium, right, it's not, you know, the fancy writings, it's what one is doing, you know, at the shop floor, you know. That's basically the influence how it has been, you know. And you have people, like Arthur Chaskalson, Arthur was a great teacher and very, very humble, you know. In my entire experience with Arthur, I never heard Arthur talk about himself, when you are with Arthur he always talks about you. He always makes you feel important, he always, you know, is concerned about your welfare, that's Arthur, for you, you know. And yes...you look at Karel Tip. Karel Tip he was my principal, you know, and he...he actually, he never minced his words about, you know, the quality of work, you know, and I thank him because I recall, I mean, like at the Hoek Street Clinic, you'd be with one principal for six months, I think, and then you'd then change to another principal, and I think that system, it worked and it was good for me because what I'd be doing with my previous principal...
- Int Which was Charles Nupen?
- NT Not it was not, it was Felicia (Kentrledge)
- Int Felicia Kentridge, right.
- NT Yes. When I presented it to Karel (Tip), Karel said: what's this? And I said: what do you mean? He said: what's this? I said: no, that's my letter of demand. He said: have you been sending letters of demand like this? I said: yes. He said: uh, uh, no. He said: and has Felicia been okaying this? I said: yes. He said: uh, uh, no, that's not the way to do it. You know, that, you know, brutal, you know, you know, forthright approach,

it, you know, I...that's Karel for you, you know, very gentle, but to the point. So that even now, when I draft, you know, I look at it and I...

Int So, the first six months, Nomali, you were actually under Felicia's (Kentridge) tutelage?

NT Yes.

Int And do you feel that that wasn't very effective for you?

NT No, no.

Int What were some of the challenges and difficulties for you?

NT I think Felicia (Kentridge) was...she was too nice, that's the...I think Felicia was...she felt if she were to say to me, as a black female, this is not up to scratch, you know, and...she would offend me, whereas it was not about offence, it was about training, it was about learning, so that when Karel (Tip) came and said: uh, uh, that's not it. Right? Yes, you know, that's how it ought to be, you know...

Int And you did primarily Labour Law with Karel Tip?

NT No, we were doing quite...

Int Everything...?

NT Yes, but it was more, like, you know, helping people with their UIF cards, people who were dismissed at work. It was a variety of things, you know.

Int Ok.

NT And the person that I worked with, it's Mahomed Navsa...

Int And I wondered whether you could talk a bit about the experience with Mahomed Navsa?

NT Mahomed (Navsa)...Mahomed is a very...he's a very meticulous and very intelligent, you know, person, I'm not surprised he's where he is. And he once said to me when we met, he said: you know, of all the Fellows that I've had at the LRC, I still tell my wife that there's no-one, you know, to beat you, because he said: I knew that when I'm at home over the weekend, when I get to the office on Monday, right, I will find files all over. She's worked on them. He said: you were causing me to work so hard.

Because that's what I used to do. I mean, weekends we were not expected to work over the weekend, but I'll got there and just make sure that everything worked. And when you arrive on Monday, give me something new, I've done my bit.

Int That's very interesting because when I interview other people they say to me that Mahomed Navsa really, really drove the Fellows very hard, in a good way, and especially the black Fellows, he was very adamant that they would work twice as hard so that they could get good training. Was that your experience?

NT Mahomed (Navsa), he was there to make sure...I mean, but I can tell you...like all the people there, I'm talking Charles (Nupen), I am talking Geoff Budlender, I am talking Karel Tip, I am talking Mahomed (Navsa), you know, you had a unique team leading LRC, whose primary objective, right, was really, you know, they understood that, you know, the Fellows that were coming at the LRC, you know, right, were people who would not otherwise have an opportunity anywhere else, right, so, we were being pushed, we were being pushed. I mean, for instance my experience with Arthur (Chaskalson), right, Arthur when he's giving you instructions, right, there's no way in which when you've come back with a document, right, Arthur will never say to you: you're wrong, you didn't get it right. Right? His approach would be, he would ask you questions, right? Arthur knew it all, but he would never give you an answer because he believed, and that's what I took from him as well, is that what you find for yourself, what you discover for yourself, sticks with you, you know it, whereas what you are told, you will never keep it, you...I don't know if you understand what I'm saying?

Int Sure, sure, I understand.

NT So, with Arthur (Chaskalson), he would...Arthur would never say to you for instance, look at this judgment and give a dissertation, he would never...

Int He'd make you find it?

NT He'll make you find it. He will ask you questions and like, say: have you considered this? You know, now when he starts saying that you know that: uh, uh, I've missed it, you know? But now, the wisdom, right, lay in this that you now had to listen attentively to what he is saying because he was guiding you, right, in the direction which you must follow and you'll be able to find it, you know? And then when you come back he'll, like, say: here's the document. You know, like you're now becoming very confident because you now realise: oh this is what he was driving at. But, Arthur (Chaskalson) would never, ever say to you: no, you...this is not right, you know or: you're wrong, you know, you've missed it here. No, he would simply just ask you questions. Mahomed (Navsa) was a very hard worker, he was a very hard worker...professional, and I think the reason I was able to work with him, it is because I think I'm just a workaholic, you know, so, he was not driving me, you understand what I'm saying?

Int Sure.

NT So, I mean, he was someone that I was...

Int *Coughs*

NT ...able to keep pace with and the way to do it for me, right, it was like, I'll do my work, right, and whatever...if I've thought there's something that I've not completed, I'll go on Saturday and finish it and leave it for him, you know, so that when he comes on Monday the stuff is there for him, you know?

Int Now, I've interviewed Ma Vesta Smith, she was there when you were working there?

NT Yes, Ma Vesta (Smith) was there.

Int Could you talk a bit about her?

NT Ma V, Ma Vesta (Smith) um...Ma Vesta was very influential because politically, Ma Vesta is connected, you know, so, she knew the people, she knew, you know, everybody, and Ma Vesta commanded the respect of everybody, you know, and Arthur (Chaskalson) and them, Geoff (Budlender) and them, you know? And...and Ma Vesta, for instance, I mean, she...I don't know what to say about her, I love that la...I love Ma Vesta, you know, and she was very passionate about the work at the LRC. And, you know, even, you know, like little things like, you know, like, she...she, you know, like, you know, there's certain things that you do to people, you know, where she'd say: uh, uh baby, my baby, we don't do this, you follow what I'm saying? That's...that's...Ma Vesta was the mother of the LRC, you know, and, you know, very professional, and very passionate about the struggle of the black man, you know, but she never used to talk about herself, you know, like blowing her own pipe, no. And, you know, very...she's a very tough lady, very tough, very tough and, you know...you know, she takes no...she never takes no for an answer, you know, that's the kind of person that she was.

Int So, Nomali, it was one year as a Fellow?

NT Yes.

Int And then from there what did you do?

NT Well, in fact, it was not even one year. I'm one of the people that Arthur Chaskalson arranged that I should not leave in December. I worked December and January, so that when the new intake of Fellows came, right, I was there to do the handing over etc, because he said he did not want to...to do that. So, after my...my LRC, Arthur Chaskalson...I'd applied for Articles and I got to know this from Ma Vesta (Smith),

long afterwards, that Arthur Chaskalson had told Ma Vesta (Smith) to find out where I'm going for my interview. And it was Edward Nathan & Friedland where I went for my interview, and Ma Vesta asked me, you know, because I had to tell Arthur that I'm going for my interview, so she now says: who are you going to see there? You know, now in my innocence I say: I'm going to meet Pat Cronin in Sandton. Ma Vesta tells me afterwards that when I was still downstairs waiting for my lift, Arthur Chaskalson 'phoned Pat Cronin and he said, like: I know you've not asked for a resume or a reference, but I'm giving you. You know, so that...

Int That was extremely nice, wasn't it?

NT And very, very humbling, coming from Arthur Chaskalson, I don't know if you know who Arthur Chaskalson is...?

Int Yes I've interviewed him.

NT You know, I mean, I know you've interviewed him, but when I say I don't know if you know who Arthur Chaskalson is, right, I am saying it with very fond memories, I am saying it, you know, in awe, you know, of how such an intelligent person yet so humble, and, you know, um, you know, and even if you had to say: this is Arthur, you know, people say: who? You'll not pick it up, you know, I mean, yes, so, I mean, a reference coming from Arthur Chaskalson, you know, was for me a plus, you know. So I was at Edward Nathan, I did my Articles there and my principal there was Oscar Shub. He's since emigrated to Australia.

Int Sorry, who was it?

NT Oscar Shub.

Int Shub?

NT Ja, S H U B. When he is in the country, you know, I still meet...I'll still meet him, he comes and sees me. I had a very good relationship with him. Yes.

Int That's great. That's quite a good law firm to get Articles in, Edward Nathan?

NS Yes.

Int Right. And you spent two years there?

NT I spent two years there.

Int And from there where did you go?

NT Um, it is a good law firm but...it is a good law firm but there are certain things about them that were not quite good, like the quota system, you know?

Int You mean the racial quota system?

NT The racial quota system. If this year they've taken an Indian as a Candidate Attorney, right, they'll take just one, and the following year they must now...they must finish a year...it's a black, you know, ya, so, they had their own quota system, which if you're not sensitive to, you'll not be able to pick up, but I am grateful for the corporate experience that I gained there. And also the fact that my principal, Oscar Shub, was someone who believed in me, like, in terms of work and, ja. And I think even in terms of the work that I did for him, not many Candidate Attorneys, you know, were doing what I was doing with him. Because he was the big AA Insurance, you know, lawyer, so the big claims came to him. So that's what one was dealing with. I was there and completed my Articles and then I was a Professional Assistant with Edward Nathan for a while. And I then...at Edward Nathan we then started the Labour Department.

Int Ok.

NT Yes. It was David Ferreira, I've forgotten the same chap, who's...went to...to Durban, Pietermaritzburg, and because we were doing work for the National Union of Mine Workers, Cyril Ramaphosa, who was then the General Secretary, wanted to consolidate all the NUM work, so, that's when I then moved over to Cheadle Thompson & Haysom.

Int Oh, right...

NT Yes.

Int Because I'm interviewing people at Cheadle Thompson & Haysom. So, when did you start there?

NT At Cheadle Thompson & Haysom...er...when was I admitted? Ok...at Edward Nathan I was 1984 to 1986, and then I was a PA from March to August. I joined Cheadle Thompson & Haysom...it must have been September 1987...no '86, September 1986.

Int So this was a very important time in its history and I realise that you must have been doing Labour Law, but in terms of the States of Emergencies...they must have been extremely busy?

NT No, I can tell you, at Cheadle Thompson, we were doing, I mean, like, for instance, the amendments to the Legal Relations Act, you know, all the protests, you know, all the arrests. I mean, like, Cheadle Thompson & Haysom was a law firm, it was like

the, you know, who had emergency, you know, ward, you know, like, come June 16th, right, when everybody else is expected, you know, to be marching, we are expected to be at work so that if there are any arrests, you know, you go and, you know, assist, you know, and if there are any interdicts, you know, you were expected to be running around so...

Int Who did you work closely with at Cheadle Thompson & Haysom?

NT I worked with Paul.

Int Paul Benjamin?

NT Paul Benjamin, right, and we did some work with Charles as well, even the, for instance, the integration of the Labour Legislation, you know, if you...you may not know this, but remember we had the TBVC States, you know...

Int Right, sure.

NT ...so, they had to be integrated, so that exercise of, you know, labour foundation, that's part of what I was also involved in. You know...um...

Int It sounds like you had a good time there?

NT I had a very good time there, I had a very good time...

Int So how long were you there, until...?

NT Let me think if I can remember. I was there, ja, December...is it '90 or '91, because I then left Cheadle Thompson & Haysom to start a partnership with **Buke?** and I'm now on my own.

Int Right. So at what point did you go on your own, with your own law firm?

NT Um, do you think I now remember...um...did we split with **Buke?** in '92...or what...ja, but I've been on my own for over ten years and a half, something like that, ja.

Int Gosh. And you specialise in Labour Law?

NT Yes.

- Int Right. Nomali, it seems to me when I listen to you and your reflections, it seems that there's a core of you that's really interested in Public Interest Law, and I wonder what it is about you that actually drives you to do this kind of work, what is it, where does it come from?
- NT Um, South Africa is a democratic country, as we speak, but when you go to the shop floor, when you go to the grassroots, not much has changed, and I think it's my passion for the black people, it is my passion for their upliftment, you know, that is driving me to do what I'm doing, you know? When, as I've said to you earlier on, I could be working for these mining houses or these big corporates, you know, with my Labour...Labour experience, but, will I have contributed, you know, to the upliftment of the black people to the extent that I want to see myself, you know? Where you're still finding the disparities and...within this country, you know, and my passion it's for equality, right, it's for justice.
- Int Sure.
- NT And um, yes, there are improvements, but, it's not enough, you know, and unfortunately when some of these things happen like, you know, the independence, you know, we forget where we come from, we forget the bulk of the people, you know, who are left behind and I...Maybe it's got something to do with my upbringing where I am saying, you know, I see myself as having been very blessed because both my parents were not educated and both my parents loved education, so...and I see education as a weapon, you know, to fight against poverty and to place yourself at a point or at a level where you ought to...where you ought to be, and you can achieve anything with that. (*interruption*)
- Int I also wanted to ask you....to piggy-back on that...on the passion, I was just wondering, currently there's a lot of crisis in the judiciary, and one of the things that Arthur (Chaskalson) said when he left the LRC in 1994, he said that it was extremely important for the Legal Resources Centre, as a Public Interest Law organisation, to take on government where it was needed, irrespective of who the government was going to be. Do you feel having left the LRC in 1984 that you think that the LRC's taken on government effectively in a post apartheid era?
- NT Um, it is...it would be unfair of me to want to judge them, because, sadly enough, I've...I'm not picking up the LRC, making a lot of noise, you know...
- Int In the newspapers, you mean?
- NT Not only in the newspapers, you ought to hear about it, about what they're about, you understand what I'm saying?
- Int Sure.

NT That for me, is a concern and...but now, then the big question is, what have you, as Nomali, done to enquire...you understand what I'm saying...I'm that kind of a person, so, when I say it would be unfair for me to want to criticise them, right, because I have not also, right, positioned myself, you know, to know and understand what they are about and what they are doing, you know? Because, as we speak, I don't even know who the Director is, you know? I can't tell you who the Director is of the Legal Resources Centre, you know, and that is sad. That is actually sad because the LRC has been a platform for me and it has assisted me, you know, in concretising, you know, my passion or my vision, you know, for, you know, for...for myself as an attorney, you know? Because even now I think the Public Interest Law influence is still really, very, very strongly, you know...it's not about the money it's about the redressing of the injustices, you know? So...and...

Int In your estimation, as someone who's got a passion for Public Interest Law, what do you think are the main areas currently, in terms of Public Interest Law that an organisation like the LRC should be focusing on? What do you think are core areas of concern in this society?

NT We have a democratic South Africa, but I don't know what the blueprint of this country is, and so, in terms of, you know, I mean, like...let's look at education, right, I'm not getting the sense that quality of education, you know, is such that we are assisting our children, you know, to, you know, to...to contribute meaningfully, you know, into this country. Even, you know, I don't know, you know...you know when you're asking me this...it's one of those questions where you're asking yourself: what is the morality of this country? What is the morality, you know? And what drives this country? What is driving, for instance, the professionals, what is driving the black professionals; you understand what I'm saying? Some people will be saying to you: don't even talk that, you know, you know, why are you raising the race issue at this point in time. But, South Africa is still South Africa. I mean, you look at, for instance, like this stay-away that was called by COSATU, I mean, like on the foodstuffs and the petrol hikes, you know, why are we here as South Africa, why are we finding ourselves in this place, why...in this position, you understand what I'm saying? Even when it comes to even like the basic housing, right, there was the RDP which was designed at...at uplifting, you know, the pride of the black man, but what has happened to that project, right? And, for instance, like the controls of people coming into the country, you know, what are we doing, I mean, like, there are health hazards, safety hazards, you know, what are we doing? So, those are some of the issues that I still think that...I don't think we've moved really, we've not moved...we've not moved, we've not moved...we...I think even the milestones which were achieved by LRC, you know, they've now been negated to basically...I mean, it's everybody for himself and God for us all, you know, that's what is happening in this country, you know, and it's about, you know, how much money can I make for myself and for my children, you know? Where can I take them, you know, where are the best schools, you know? You know, the businesses that I can acquire for myself and, you know, where...where do I start, you know? It is...I don't know...we've lost the Ubuntu part, you know...

Int The communal...?

NT No, yes...it's not there, you know...You look at the, for instance, like the elderly people, right, what is...what is being done for them, right, what is being done for them? You know, you look at the politicians, right, what...I mean...is this what we ought to be reading in the media where there just is no respect for your own leader, no, man, no, I don't know...I don't know.

Int Nomali, I've asked you a range of questions, I'm wondering whether there's something I've neglected to ask you which you really feel ought to be included in your LRC Oral History interview?

NT That needs to be included? I'm just trying to think...but, I have no mind.

Int It's ok. What I think would be very nice, if you could end the interview, if you could talk about a memory that you treasure, whether it's with Arthur (Chaskalson) or Charles (Nupen) or a client during your experience at the LRC, and something that still now, you treasure. Do you have any particular experience, I'm sure you have many, but one that might stand out that you'd like to be recorded?

NT My experience...I don't recall the matter...but it was with Mahomed Navsa. And we were assisting someone where a...the *pro deo* representative. This person, I think she...this person was up for murder and, you know, as *pro deo* counsel, it was very difficult, you know, for the, you know, the accused person to trust Mahomed (Navsa) and I, you know, that we had his interest at heart in spite of the fact that the state had appointed us, you follow what I'm saying? And, I don't remember the matter, I wish I could discuss it with Mahomed (Navsa).

Int That's fine.

NT Yes. But what I recall is, you know, like, we had to, you know, break the wall but this person trusted us, right, and opened up and told us what had happened, and it turned out that we were now able to...I think we had to plead either self...we pleaded self-defence or provocation, one of the two, right. And where we started off with Mahomed (Navsa), we knew the guy was going, you know...was going to basically, right, be convicted of murder, right, and, you know, was going to be executed, that's what was going to happen. But, we had to, like, get him to understand that we needed to know, let him tell us in detail, and the guy was not trusting us, and there was a point where you could see that, because this was, like, a black man, right, and he was now like, opening up and wanting to trust me, and I had to say: listen, you know, trust us, tell us the truth, we'll help you, right? And when he gave us his version and we were now up in the **inaudible** and when the finding was 'not guilty', we actually cried with Mahomed (Navsa), you know...

Int It must have been a very moving experience?

NT Yes, it was...and as I'm talking about it, you know, I can see, like, Navsa in his gown, you know, like, you know...ag...you know, you know, to have someone, you know, up for murder and this person not believing you, you know, and judging Mahomed (Navsa) by virtue of his skin colour, you understand what I'm saying? And whereas Mahomed's heart is after, you know, after him and his liberty or assisting him or making, you know, um...it was one of those memories that made me, you know, you know, like...I saw Mahomed, you know, I saw Mahomed, I don't know if you understand what I'm saying...

Int I understand...

NT Yes, I saw Mahomed (Navsa) where you could see that, I mean, like, he's crying out, you know, for this person and he's, like, saying: I want to help you, just trust me, you know? And when that finally happened, and the person was found 'not guilty', it was just one of those awesome experiences I had, you know, with the LRC.

Int Nomali, I want to really thank you for a wonderful interview, and for taking the time to share your memories with us about the LRC and your experiences.

NT The LRC played a role in my legal profession, and I still believe it is a necessary institution, and I also think that the current incumbents, right, they should maybe involve, you know, their predecessors and find out more, you know, like, involve us in terms of assisting them, you know, to, you know, brainstorm on what the LRC's all about, you know, or how we could assist with the LRC, or what we can do with the LRC, you know? And, yes, you know, um, a lot of people were birthed from the LRC, great guys from the LRC, and I'm even grateful and thankful, you know, to the practitioners that were there at the time, you know? And one of my saddest moments at the LRC, I know it did not concern me and I don't think they know that I know about it, was when, at the LRC, I think it was facing financial challenges and now they had to basically dis...I mean, like...

Int Retrench?

NT ...retrench, you know, now, I mean, like, you know, when some of the people, like Karel and them, had to leave the LRC to join the Bar, you know, I tell you, I mean, my heart was bleeding, you know, because I know it was difficult for even, you know, the Board of Directors themselves, you know, to decide who it was, and, you know, how it was, you know, like, you know, and I...People like Paul Pretorius, you know, I mean, a very good counsel, you know? No, it...I still...I still...I don't know, I suppose as you grow older, you always say, you know, the people that you had at the time were the best, you know, that's what it's all about. But, I mean, you look at their practices, you look at what they are standing for even now, you can see that Public Interest Law, you know, as, you know, a threat that is permeating, you know, in their lives, in the way, you know, I mean, they are conducting themselves, and they are still very great friends of mine.

Int Thank you very much.

NT Thank you.

Nomali Tshabalala–Name Index

Benjamin, Paul, 6, 14
Budlender, Geoff, 4, 7, 10, 11
Chaskalson, Arthur, 4, 7, 8, 10, 11, 12, 15, 17
Ferreira, David, 13
Kentridge, Felicia, 4, 8, 9
Madlala, Pinky, 4
Maqubela, Faith (Mandiwana), 4
Molewa, Thabo, 4
Navsa, Mahomed, 4, 7, 9, 10, 17, 18
Nupen, Charles, 7, 10, 17
Pretorius, Paul, 4, 7, 18
Ramaphosa, Cyril, 13
Shub, Oscar, 12, 13
Smith, Vesta (Ma), 4, 11, 12
Tip, Karel, 4, 7, 8, 9, 10
Zimmerman, Morris, 4

Cases:

Komani, 7
Rikhoto/ Rikhotso, 7, 8

Legal Resources Centre Oral History Project

PUBLISHER:

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

Location:- **Johannesburg**

©2010

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. These digital records are digital copies of electronic documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

DOCUMENT DETAILS:

Document ID:- **AG3298-1-185**

Document Title:- **Nomali Tshabalala Interview**

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

Document Date:- **2008**