

Janet Love

## LRC Oral History Project

**Interview 1: 4<sup>th</sup> July 2008**

**Interview 2: 14<sup>th</sup> August 2008**

**Interview 3: 30<sup>th</sup> October 2008**

**Interview 1: 4<sup>th</sup> July 2008**

Int This is an interview with Janet Love, the National Director of the Legal Resources Centre. Janet, thank you ever so much for agreeing to participate in the LRC Oral History Interview. We actually really appreciate the fact that you're taking the time to do this. I wondered whether we could start the oral history by talking about your early childhood memories growing up in South Africa, where your sense of justice and social justice really arose from and what were some of the formative influences that actually led you down a particular pathway in adulthood?

JL It's a pleasure. I mean, I don't know what; whatever comes out of this will be useful to whomever, so no problem... I think that the easiest that the easiest will be a chronology and then maybe you can prompt with things that you think might be useful.

Int Sure.

JL I was born in Johannesburg and went to school here and to university and remained in Johannesburg, until I went into exile... in ... in 1977. ...I suppose that my views of what was happening in South Africa were primarily informed by my sort of background that I come from in terms of both my parents...my one sibling, my brother, and I are first generation South African and so my parents hailed from Europe. My mother was born in Lithuania and ... was somebody who was taken into the Nazi ghetto and then the concentration camp for a period of seven years of her life, from the age of sixteen and my father was born a Londoner and he met my mother, as a consequence of having been part of the Allied forces that were responsible for a particular part of the post, immediate post-war period and they met when my mother was, had just come of a boat, having survived a very disorganized exodus from the concentration camp in Poland and she was very ill and was taken into a hospital facility by the Allied forces and it happened to be the place where my father was stationed. So that's how the two of them met, they met in the wake of a very ghastly exhibition of genocide and ...racism and ... and they met at the point where my father was identifying with the cause of liberation and so, it was very much part of their history and a history that imprinted itself on us... they came to this country, very much as a consequence of the post-war...conditions and conditionality's of post-war Britain. My father was given an opportunity for employment which required him to come here and initially, I think their view was that they would be here until that period, but basically when the decision needed to be made about his either remaining in South

Africa or going back, he was then quite probably going to face the prospect of unemployment and they decided to stay, but I think that ... their stay here was always one that was imbued with a sense of discomfort about the incredible injustices that were happening here and although my parents, neither of them were involved on an activist...level, most of their friends sort of hailed from a Congress of Democrats, sort of background and...or a good number of their friends, most is an exaggeration. And, so they, they really brought us up to think of...the possibility of going and living somewhere else, where things were not having the same sense of injustice and really also they kind of gave us a sense that there was no legal option to do anything and participate in South Africa and so, I think, as a consequence of that, you know, the, from their point of view, just as a I suppose its normal for parents to be anxious, they would have preferred that both of their children would have found a greater security in a, in a society more democratic, well, democratic and more just, that they would have hoped that both of us would have gone and lived somewhere else...but you know, but neither of those things were I think were as...were clearly articulated, overtly articulated at the time. It was very much of a sense. So, I think the second set of influences was around the fact that my mother was a teacher and in the course of her teaching, she also was asked to provide teacher training, on a, on a voluntary basis to teachers, who were teaching in African schools. Some of them, teachers from schools like Morris Isaacson and so on and at the time, when I was in high school, my mother did engage in you know, sort of on weekends in that sort of teacher training activity. To that extent, it was possible with the benefit of a white privileged educated I was able to assist in also, doing some work particularly science and adaptation at that time, having been in high school, of primary school information, around sorts of science and maths subjects with my mum. And so that I think created a situation where when I was in my second last year of school, I...sorry I beg your pardon, when I was in my last year of school, my matric year, I participated in an organization that was existing at the time at the University of Witwatersrand, called SAVS (South African Students Voluntary Service), which was an organization of students who went into rural areas and were primarily engaged in the construction of classrooms and facilities for kids, who were of school going age and I participated in that program and also in trying to provide some of the materials, say in terms of teaching materials, particularly in things like science, because items like Bunsen burners were not very commonplace in a rural setting. And... I had, I had the sort of interesting experience of being kicked out of Gazankhulu, as it was then known, one of the Bantustans, for having been accused of doing all sort of terrible things, so undermining the state and so on, basically purely because of using non-approved textbooks, as part of the teaching materials and encouraging those to be in use in the classrooms, so by the time I got to University the following year, I was relatively speaking, a little connected, I suppose with what was going on at university and with some of the people there and had had a small taste of...activism from a student point of view. So in my first year of university, I became, I was a candidate, well, I was elected onto the National Union of Students Union (NUSAS), as well as being on the Students Representative Council (SRC) and I became very involved in an organization, also campus-based but with very clear links off- campus, called the Wages Commission. And the Wages Commission was...was an

organization that was established very much in pursuit of more effective and stronger trade union movement than existed at the time and...also carried out various programs of research in order to I think pursue a path of advocacy around various issues of unemployment and bad equipped practices, unsafe and unacceptable, in terms of working conditions. So, we used to work quite closely with an advice centre, that was off campus based, it was one that was really the cradle in which some of the, what became known as the independent trade unions of the seventies, it was one of the cradle in which the independent unions of the seventies were born...or was born. And its...we used to link with people who used to work with the Industrial Aid Society and we used to...do things like the distribution of ... leaflets and assisting with the production of leaflets, as well as to a much more limited extent, just being available to be almost like receptionists at the IAS. And it was through my work in the IAS, that I became sort of exposed to a whole lot of issues around unionism. And I worked in particular with some of the organizers, mainly organizers to do with what became known as the Metal and Allied Workers Union. ... at the time, I was, during the period (coughs) excuse me. During the period that I was at university, throughout the period, I did not stay at my parents home, I had left home and so I was also involved in, in supporting myself often and living in various places and at the time, shortly after I got to university, I shared a flat with a woman who was a little older than myself and had a much I think, well, she had certainly a lot more experience and exposure to many of the issues that I was newly discovering. Her name is Jeanette Curtis. She later became Jeanette Schoon and she was murdered by Craig Williamson together with one of her children, Catrin...Katrain, sorry, Katrain Joyce. And Jeanette (Curtis-Schoon) and I shared a flat in Yeoville and so aside from my own on campus and off campus activities, interaction with Jeanette (Curtis-Schoon) with very influential. She was linked more directly, I learned later, I didn't know at the time, with people who were involved both with the ANC and in particular, with an organization that was part of the Congress Alliance. The South African Alliance of Trade Unions and so she I think probably took a vicarious delight in knowing that my participation would be able to, to reinforce some of the things that she felt so deeply about just from some of the casual conversations we would have about some of the issues at hand. So, that was really in 1975 and we...it was...it was an important year in a whole lot of ways and it was also a year, towards the end of the year...some of the people who I was quite close to both in work at the Wages Commission as well as just generally and on and off -campus were sort of stunned by a series of arrests that took place in what later become known as the NUSAS trial and was linked to Breyten Breytenbach's involvement. Jeanette (Curtis-Schoon) was one of the people who was detained and so you know, sort of the very immediate experience of that and being, having to, be exposed to a fairly long questioning by the security police, although I wasn't detained, for, you know, in, in sort of, for, for, for days on end and months on end, as Jeanette (Curtis-Schoon) was, but it was, it was a, I think just a reinforcement of my awareness, of what we were facing, as a country and as a society. It was also incidentally, in the course of that, in the trial that ensued much later that I met with, for the first time, Arthur Chaskalson and George Bizos, (coughs) excuse me, who together with the...together with Denis Kuny formed part of the, of the legal team, of those

particular defendants. And then, in early 1976, probably, as a consequence of, of some of the clampdown that happened around these arrests that I am talking about and there were certain bannings and banishments of trade unions, I then...sorry the Metal and Allied Workers Unions that was based, that really had its primary formation in Durban and, and then sort of extended its sort of formation into...Johannesburg. So I began to do a lot of travelling between Johannesburg and Durban and I used to do that through hitch-hiking between the two centres, as I wasn't, you know, in those days, I, I just having to put myself through university, I didn't have access to any of my own transport, car, or anything. So hitch-hiking proved to be an interesting experience in a whole lot of ways. Anyway, I used to hitch-hike up and down from Durban and...in the course of this, I, I also met with another person, who I think, had a profound impact on my life, which was...a woman by the name of Phyllis Naidoo, an attorney who used to work in Durban, who was subsequently served with...a banning order for many years, making her life even more difficult than it had been, since she had been in a family that had experienced that right from the involvement that they had from the fifties. Anyway, Phyllis (Naidoo), I worked with Phyllis (Naidoo) over a period of time and Phyllis (Naidoo) very shortly after this, moved to be based in Lesotho, but that's another chapter. But as a consequence of that, (coughs), in the, about April of, of 1976, I travelled to Lesotho and was able through some of the, the connections of Phyllis (Naidoo) and some of the ... work that she was involved in and I was able to link with the ANC and I met with Chris Hani, who was based in Lesotho at the time and formally joined the ANC in April of '76 and...then I came back. And at that stage, I became quite involved doing quite a lot of courier work, primarily inside the country, internally, between people who were banned and banished, involving travelling to Jo'burg, Durban, Pietermaritzburg and most of the Transkei. And...I then became I suppose somewhat more involved and busier following the uprisings of 1976. There were quite a few people, um, who needed to be found places of safety and who needed to be taken from various points to...to either be able to leave the country or in some cases to be able to try and disappear into the regions, sort of the nether-regions of the rural areas, where it was felt that extended families would be able to allow them to lie low. So, that characterized, 1976 and then in '77, there was just more of a continuation of the same and at the beginning of 1978, I then left the country in order to spend what was supposed to be ten weeks outside of the country. The trip was one that was...arranged for two reasons, one I had...two of the people that I had been transmitting messages between had both been detained and another person that I had put in a situation of safety or hiding, had also been followed and also detained. And there was a feeling that I should try and cool down and see what, what was what. And secondly, it was following the October 1977 bannings of a whole range of organizations. And Beyers Naude was quite keen that somebody go out of the country in order to link with people who were operating outside of the country, for the purpose of communicating both needs, as well as messages from the point of view of those organizations and to assist people who were continuing with political work on a clandestine basis. So, I left for what was supposed to be ten weeks and... went initially to... for a very short, short period of time, a week, I think a week to London and thereafter I spent time in Holland and in Germany, in particular. And then went back to London and

back to Holland again. And basically in that period, what became clear through my meetings with ANC people in London was that, it was not necessarily sort of a, a support for the notion of me going back to South Africa straight away and assuming that because there was no sort of call for my immediate arrest that I was not in anyway exposed... and so in some really...unplanned way and I think through my own naïveté and confusion and the fact that I had, I thought that there was more centralization to some of these matters than I learnt, I learned quite soon thereafter, that there was not, I stayed on from being ten weeks to ten years in exile.

Int In London?

JL No, no, I stayed, I stayed...for about just under a year in Holland and then for about two years in London and then the rest in Southern Africa and Angola and Lusaka and in the frontline states, in the neighbouring countries... one of the people I met in '76 in my travels in Durban had been Mac Maharaj and very soon he came out of prison, of Robben Island and I met up with him and he was one of the people I met with in the early days of, of, of travel in 1978, in London and met then with inaudible September who was then Chief Rep in the ANC in the London office. But I suppose it was my interaction with them, that kind of, they felt I was extremely exposed and in a way, it would make a lot of the underground machinery that they, that indicated, that needed obviously to be protected, that would cause further exposure. Anyway, so I then stayed for ten years in exile and my time was...taken up with the first year in Holland, working for one of the Dutch anti-apartheid movements, called the Holland Committee on Southern Africa and at that stage I was still very conflicted and really believed that with my slight extension to my ten weeks, I would still be able to go back to South Africa, a sort of belated gap year or something of that ilk. And we didn't use the term gap year in those days but anyway, but so I worked in the Holland Committee, with...material aid to the MPLA and SWAPO, so I wasn't really involved in anti-apartheid activities during that period but was involved...you know in some of the research work which they did around the sort of and collusion of the Shell company with the South African state and primarily with, as I say material aid going to MPLA and SWAPO...and then...I moved to, I went to London, and I was asked to, to the extent that one is asked by the ANC to... it was in around March '79 to take on some of the responsibility for... managing the affairs of SACTU, who at that time, SACTU has its headquarters, head office still in London and to...pursue the publication of, putting together of the publication of SACTU, which was called Workers Unity. So, I moved to London and that's what I did for the years that I was in London. And then...I went in 1981, I began spending more and more of my time in Lusaka and then subsequently in Luanda and in the frontline states and initially as somebody doing work for the internal trade union support, including training of SACTU and later as part of the ANC's political machinery and then in 1985...I attended what's now known as the **inaudible** of the ANC at which the approach to underground work was discussed in a lot of depth and detail and the ANC embraced the, a program, or supported a commitment by the organization to reduce the emphasis that the organization had placed on working with people who would come out of the country only to return and rather to work on a program of

placing ANC middle and senior leadership who may have spent time in exile inside in the country to work with people who had been part of the ANC machinery in the country but had obliged to go in and out of the country. And, so I ... fortunately, was told after, I mean it has taken a long time, it had taken sort of...really since the day I arrived in SAT office in London of persuasion to be, for it to be accepted that I would one of the people who would be going home as part of that program. And, so in 19... that was decided at least, in 1985, but I only got home in 1987. I came into the country, via Durban, I ... had a different identity when I came in the country and I was mainly however, notwithstanding the fact that I spent the initial period in Durban and I came and spent and was based in Johannesburg and at that time, I was required to establish communication facilities, printing facilities and just general, support infra-structure for those two activities for the ANC in the Johannesburg region. And the following year...I then was fully linked into (what) later became known as Operation Vula, when...Mac Maharaj and Siphwe Nyanda came into the country in that year. And then I worked for Operation Vula underground for a period and then in 1990, one of our cells in Durban was completely compromised and people were arrested and so on. And with that a fair amount of information landed in the hands of the security police and so for the first time, my presence in the country had become known and so I had to change my habits and my identity because they did have information of what my identity was at the time...and I basically was on the run for a year and then in 1991, I, sorry, in 19...ya, 1991, June I was one of the group who was the last to get, to get the initial indemnity from the South African regime as an ANC person who would then be able to... remain in the country without interference. So that was in June and then in September of 1991, I was ... asked to work full-time on the negotiation process and I worked in particular in support of the work that Mac (Maharaj) was doing, Mac Maharaj as part of the establishment of CODESA, what became known as CODESA. And I worked full-time until what was then called the Multiparty process, up until the formation of the Transitional Executive Committee and was then...the Deputy Chief Executive of the Transitional Executive Council, rather. Until the elections in 1994, I was on the ANC Candidate list of elections and then went to Parliament in 1994. And in Parliament, I was the Chairperson of a Committee, which from 1994 from the first period was known as the Portfolio Committee on Water, Forestry and Agriculture.

Int Who was the Minister at the time?

JL Well, there were two Ministers, for the Department of, rather for the Ministry of Water Affairs and Forestry, it was Kader Asmal and for the Ministry of Agriculture, it was initially van Niekerk followed by Derek Hanekom, so I was , I was they combined those two portfolios in that Committee but I also in that first five years served on a 22 person committee, called the Constitutional Committee, which was the, the sort of driving engine of the Constitutional Assembly, which was charged with the task for the first um two and a half, nearly three years of ... finalising our Constitution, shifting from what was the Interim Constitution to the final Constitution...And then in the 19...‘99 elections, I was again on the ANC list and went back to Parliament. At that time, they had restructured the Committee a little bit. Obviously, the

Constitutional Committee wasn't there but they had restructured the Portfolio Committees and the Portfolio Committee that I was then made the Chairperson of was the Portfolio Committee on Water Affairs and Forestry. Agriculture was then dealt with separately and I remained in Parliament until the end of that year, when the Minister who was then the Minister, Ronnie Kasrils, he became the Minister after the 1999 elections asked me to...become his sort of his Ministerial Special Advisor, basically because his knowledge of the, of the Water Affairs and Forestry issues was, was a lot less. I had not just the time in Parliament of the five years before that but also within the ANC policy process from 1991 up until 1994. Had been very involved in the Water Policy process over that period and had been involved with the National Drought Forum. Anyway, so in 199... in 2000 for that year I acted as the Special Advisor to the Minister and undertook various projects within the depart, well, basically within the Ministry to be transferred over to the Department. And at the end of that first year, I mean, really the Minister by that stage, had quite an adequate grip of the Portfolio and it seemed to both of us that it was really, it was probably more effective for me to move to another area...because more of the stuff had been transferred to the department and could function from that basis. So, I moved to, I, I am trained as an economist and so I moved to the South African Reserve Bank and worked as an Assistant General Manager in the Reserve Bank in their currency department and worked there for five years and at the end of, I mean I was, I could have worked there for longer but after five years, being there in the, sort of fifth year, I was approached by people from the Legal Resources Centre to consider taking on the position of the National Director of the LRC. And after some interaction and exchange and so on, decided to do that, and so I started as the National Director at the beginning of 2006.

Int Thank you Janet, for a very lucid account of your life and I am sure not even half of it. I am wondering whether I could take you right back; we have some time so I just thought we could start this process of going back. You mentioned your family background and you mentioned of your parents' experiences of subjugation and in a lot of ways, discrimination and...And I am wondering when they came to South Africa and they were very aware of that, they had a discomfort, I am wondering whether there was a sense in your family, a sense of being here temporarily?

JL I think very much so. I mean when my parents first came here...it was in the first half of the 1950s, so the extent of apartheid repression was not as clearly in evidence and had it been, they might not have decided to come at all. But when they came, I think what was just then, you know, some of the, of the initial moves of the, um apartheid regime, in terms of you know, the '51 Suppression of Communism Act, which then in its wake certain steps were undertaken, not with a sort of degree of public awareness and suddenness that might have made even, at that early stage, of them taking a decision to come to South Africa, it might have made it even, it might have made it even a difficult decision. Notwithstanding that, they came here and it was, it was part of my father's work and you know, he worked here and so on and I think it was really in those initial years that the awareness and the consciousness of what was actually happening here but it was also a time when they were living

here on the assumption that they were not coming here permanently. They definitely saw themselves as returning to England but various things happened. My...parents lost a child, she drowned in, in the Indian Ocean off the Natal Coast and so that obviously, played a significant role in making it, I think a lot more difficult for my parents to stick to any rigid timetable. My brother and I were very young children and at the time when my parents were on the point of returning, it was very significant to them what they were returning to, and it was not a sense that my father, which might have been able to happen in another economic context in the UK, but my father was in a situation to be able to transferred from one part of the company to another, he all likelihood would have faced unemployment and that was very difficult, so for better or worse, they decided to stay here but were plagued with a sense of impermanence and also..., made an assumption, that rather than do something that was, an assumption that neither of their children would want to live and be in a situation of profound injustice, that their children would not want to embark on any, you know illegal type of activity. That their children would probably make their independent decisions to live in other parts of the world. And of course, relatively speaking, it was a choice, an option, open to both of us. But things turned out differently, and they were both independently, enormously supportive of me, in different ways, and I suppose it was very difficult for them, they didn't really know where I was most of the time. A lot of energy went on reassuring them that I was fine and in circumstances which would leave them with least discomfort. They were at the time, they left the country, you know, to go back to Britain, when they thought that's where I was living, only to discover, I was already, mainly by that stage working within Southern Africa and so on. And my brother had also left the country to avoid the army and took up a medical career within the UK and they thought they would see him but he got a fellowship to go and do work in the United States for three years, I mean, he is back in Britain now. So, they didn't really have the, the comfort or the pleasure or whatever of their children around them for in the way that they had hoped even when they did return to the UK. But when it was, when I had my face mug shot pasted over the newspapers as one of the four so called armed and dangerous people, at that time, my parents thought that I was safely ensconced in Zimbabwe, so it was quite a shock for them and ya, that sort of level of uncertainty that they had to contend with.

Int What I am struck about is the...opposite of what you did because if anything, you weren't plagued by a sense of impermanence. In your narrative you mentioned about how you were desperate to come back and it took ten years to get back home and you even emphasized the word, home. I am also struck by the sense that even though your parents seemed to be quite concerned about the rule of law issues and the legality of what you did, if anything the activities that by all intents and purposes, according to the apartheid regime were declared illegal. So, I am wondering how you reconcile that within yourself, in terms of taking that kind of stance and also taking the risk, or did you see it that way?

JL No, I think it wasn't ... I think there's a point where as people become adults, they just confront their own choices and make the sort of decisions and their own moralities. And I suppose for me, I was very conscious of regardless of

what my parents... views were and how ambiguous or whatever they felt, I mean, as a white South African, I for the years I grew up, I benefitted from apartheid and not doing something against a system, which I had not only thought was completely unacceptable and wrong but I believed that I had benefitted from was unacceptable to me and I suppose to some extent there was, the, the, the more profound way in which I felt the anger around racism and so on, was also linked to having being brought up with the very sharp understanding of the genocide that gets very easily attached to those kinds of sentiments and discriminatory activities. So, I felt very strongly about it. And you know, doing what I did, was because I thought those things were rights and risk was involved was fairly obvious but I...it was something that I needed to do and in that sense, don't have, don't have any sort of regrets about. It was something that it felt it was the right thing to do for me and I think...you know, in the end, we all, we all have to live with our choices and...I think I was very conscious of needing to do that. That that was what I was going to have to do that, ja...

Int The other thing that I am struck by is the idea that from a quite early on, in fact when you were in high school, there is a strong sense, an ethos in your family of public service. You did it through the science education etc, and I wondered whether you could talk about whether there was a family discourse around philanthropy, around ideas of public service and giving back?

JL You know...I think it was very much a part of, a part of, my parents in very different ways, were people, my mother is still alive and I think would still be able to be described in this way, but she is somebody who, as a teacher, saw that very much as a calling and in that sense, was incredibly dedicated and generous with her emotional investment in the profession and in the work that she did and she saw it as something that if she could give to, then she would give to...But... so I think that was very much about how she saw the world and how she communicated about seeing the world. My father was somebody for whom moral issues were much more overtly discussed and articulated, it was, you know, for him he had to, he had not experienced the effects of Nazi domination, he had been a British -born person and had served in the army and had served throughout the war and he had been, he had suffered the effects of sort of you know, shell explosions on two occasions, which had seen him in hospital and he had gone back. He didn't have to go back and he had made those choices because of what he saw of what had been wrong and needing to contribute and I think that that was also quite an important thing for me. And in the way in which he worked within the firm that he was employed in, he worked for a couple of firms but that he was employed in when I was in my teens...he had a very awareness of difference and effects on apartheid systems and abuse and discrimination and he spoke about that and within his own very limited way and within his own environment, used his position as much as possible to try and create systems of things like transportation for workers in the factory and so on and he had, he had space that he carved out for himself to do some of that and I think his articulation of that, his speaking about that was also something that I am sure played a role. My brother is a medical professional who could have... done very well for himself in private practice and he and his wife, actually, have always functioned within the

public service and you know, notwithstanding the fact that they both have very high degrees of specialization and you know in that sense, I suppose that commitment to public service must have been there without being directly spoken about and articulated but more in the types of discussions that were held and in the choices that my parents made, which presumably had some im...effect.

Int I am aware of the time Janet. I would like to probably stop temporarily at this point.

JL Okay.

Int Thank you very much

**Interview 2: 14<sup>th</sup> August 2008**

Int This is... the second interview with Janet Love, the National Director of the Legal Resources Centre and its in August, the 13<sup>th</sup>. Actually, it is the 14<sup>th</sup> (August 2008). Janet, thank you very much for again giving your time so generously in spite of your schedule. I wondered whether we could start where we left off...The last time you had really spoken about your political trajectory and your personal trajectory wondered whether we could pick up...at the point when you came back into the country in more detail...

JL It might me that you might need to come in and ask questions because I am a bit fuzzy about what we spoke about before.

Int Sure,

JL Basically I came back into the country, in 1987 and at that stage, the ... two people who were leading the formal Operation Vula had not yet come back into that country. They only came back the following year that is Mac Maharaj and Sphiwe Nyanda. So, I had some tasks that needed to be performed in terms of setting up communication... facilities and...facilities for the reception and storage of information and material both printed and military material and the setting up of safe accommodation and safe working space and so on. And so I worked doing that, but working quite a lot on my own at that time .We didn't yet have in place a very advanced communications system relative to what it became later, but nonetheless, it was significantly more than many people that I'd known who had come into the country and that had in previous activities. So there was a fair amount of communication but at the same time there were delays and there were difficulties and initially, the idea was that I would work entirely on an underground basis, which of course meant that the responsibility for financing my living expenses would be completely dependent on money being brought in through on the ANC channels, and that was not always a certainty that things would happen on time and that there would be, you know in many cases, historically... when I had been in the surrounding, in the neighbouring countries of South Africa, I had met with fellow members of the ANC who had been in the country, and who had come out purely because they hadn't had the necessary support to be able to stay inside. And I was very reluctant to experience the same problems so I interacted with people outside the country and it was agreed that I could try and experiment with the possibility of getting some kind of a job, which would assist me in developing a cover story but also to be able to generate some income and so my first job was as a maker of ice cream and I worked at an ice-cream place at night for a few nights a week called, the Danish Cream, I think it was, I just, the name escapes me for a moment. It was the Danish something and...I made ice-cream and it just enabled me to get an understanding of what the systems were about. You know, did they ask for IDs, did they ask for tax numbers, those sorts of practical things and at a particular point, I, I also recognized and that also came up while I was working in that ice-cream parlour, was that it was a very obvious question for people to ask, not for any...intelligence activity but just as a normal part of conversation and of course, 'cos at that time I was living in underground

houses, where did I live was a complicated question and I used to have to be a bit inventive unnecessarily so in my views because, and the only reason was because I couldn't compromise the places where I was staying. So, that led, one thing led to another and I then decided I should look for accommodation that was not, you know, sort of part of the underground machinery and I was mulling over this and I went past...a notice board outside a shop in Hillbrow, called Fontanas. And on the notice board was an advert of a flat, which was to be shared and what attracted me to the advert was the fact that it said, somebody is, wanted to share a flat. The owner is almost never there and I saw those words and I thought this looks like an ideal arrangement for me and I don't have to enter into the lease; I don't have to be involved in any big technicalities, you know, of purchase but I would be left to my own devices. Anyway, the result was that I phoned up this person whose name was Reggie and... we agreed that we would meet. He asked me my name and that was quite a difficult thing. It was an obvious question which I hadn't completely decided what I was going to answer at the time, so I settled on the name Kathy and I stayed with this young man in his flat. He was very rarely there but when he was there, he was great fun...so that was sort of what set up that part of my identity and then soon after that, I also changed the job I was doing to being a little bit more constructive for the work; I worked at a print shop as a graphic designer and ja, that just enabled me to, to have access to you know, print materials and things that would become useful at a later stage.

Int Janet, just to interject quickly...having been away for so long and coming back, did you reflect on things such as influx control that had fallen away, there had been some changes...in retrospect, what were some of your reflections, did you feel that change was going to be soon or didn't you have that sense?

JL You know, I, I...sure there had been some changes, but not of things that for me were kind of fundamentals. So...I think that I saw an increasing set of contradictions and weaknesses in both the ideology and the implementation of the apartheid system but the fundamentals were still in place, namely, the disenfranchisement of the population, with the bulk of the population. So, on the one hand, there was a recognition of change, you know the fact that it was still a long way to go, was, was very much part of the thinking. Having said that, I mean, people who were working within Operation Vula, including myself, were, didn't believe that you know, the course, that Operation Vula was advocating was one which...had a solution to how the struggle would unfold. It was very much more that the role that people like Mac Maharaj or Sphiwe Nyanda would play outside of the country, as people who were occupying positions of leadership or responsibility within the ANC, who would be confronted by opportunities, who would be confronted by problems and so on, they would take decisions in the light of those and what was happening was that those decisions were being partly taken in Lusaka but with an information and a decision-making process of ANC leadership that was happening inside the country. So...the only difference for me was just that...my responses to events were much more informed by what was actually my interaction with and what was happening within the country and within you know and in talking to comrades who were based here.

Int And then in terms of the actual Operation and what happened, I wondered whether you could talk a bit about that?

JL Well, the Operation went quite well for a couple of years in the sense that there was a range of things that were taken through the Operation that involved on the one hand training and establishment of underground cells in different parts of the country, of which only one was infiltrated, which led to one of the key structures in Durban being ... rounded up by the security police. Nothing else, nobody else was taken in...so, to that extent, in doing that kind of work. Secondly, there was some significant interactions with people working in the mass democratic movement and who used the particular communication network to be able to have their ideas and engage with the ideas of the ANC leadership inside the country and thirdly it played an important communication role between the people who were either on Robben Island or Madiba (Nelson Mandela) himself or people in Lusaka around a range of things, but in particular, negotiation opportunities and it disseminated information and it enabled equipment to come into the country and to be safely stored. Again, almost none of the equipment, except what was located on the persons of people who were detained in Durban, nothing else was seized. So there were those achievements and some of them were really achievements that at the time were really quite invigorating. I do remember very clearly, the really emotional feeling I had typing up for the purposes of transmission, the communication that we'd received from Madiba (Nelson Mandela) in prison to be transmitted to the NEC in Lusaka. And just being able to type up those words before they actually you know, reached their intended audience was just, it just felt like a really remarkable thing to be doing. And of course, at that time, there was nothing certain about Madiba (Nelson Mandela) ever being released so there was something even more precious about those words...Anyway, In May of 1990, two operatives from Operation Vula, one who had been from outside the country and one who had been recruited inside the country, had not trained outside, were...picked up by the security police and tortured...is I think, fairly certain because they were two of the many people who disappeared at the hands of apartheid. And to date, their exact fate has never really been able to be...satisfactorily explained and obviously families still remain devastated by the loss of clarity and, and truth. It seems that the two were identified because one of them had a family member who was also inside the country, who, who but not under Operation Vula, who it seems may well have been followed and compromised. Anyway, these two were identified and followed and eventually picked up and as I say, clearly certainly were tortured and were made to disappear and using the information, we assume that was extracted from them, or possibly through the following, or them being inadvertently being followed for a few days, they might not have not actually spoken anything at all but might not have been aware that they were being followed. The unit that was... based in KwaZulu-Natal, that was included Sphiwe Nyanda was rounded in one of these safe houses and they were detained and so we got the message quite late that night that there was a problem. And...initially the message wasn't clear, what the problem was, it was just that there was a problem, so I mean, we spent about thirty six hours without stop moving people and equipment and everything,

initially, throughout Joburg, and then throughout Gauteng and then throughout KwaZulu-Natal and then the Western Cape and the Eastern Cape. So, that as a consequence of having seized some very important leading people, (coughs) who had a significant amount of information on them, the security police weren't able to go any further. And what then happened was a few days after these initial, these people had been rounded up, there was a, a broadcast on the TV and there were pictures in the newspaper, sort of four mug shots of four of us, from Operation Vula,

Int Including you?

JL Ya, including myself who were described as armed and dangerous, with a sort of, well, with a, with a underlying message of the fact that we armed and dangerous and it could also be interpreted as an invitation to shoot to kill, would we at any point be sighted. So there was a period, I mean, by that stage, none of us were in our same places, none of us was looking the same or working in the same manner. But we knew that we were being, we were being fairly proactively sought. And I think that the enormous satisfaction that was gained by the fact that none of us did get caught is still sort of something that is, that remains as one of those victories. And what we had to do was to regroup, just on a different basis and we still then had quite a lot of communication with Lusaka and through that we learned of the information of some of the progress around the negotiations, some of which we had known about through the sort of correspondence, I mentioned before through Madiba (Nelson Mandela) and so on and so forth. But the kind of detail of people coming as a delegation, who would be coming and who would take up some position of discussion, anyway, and what then happened was that, Mac was instructed to sort of leave the country illegally and then return legally, so that he could join the delegation. And very shortly after, his legal return, he was also detained, and so it was a period of a lot to celebrate in the sense that clearly...there was a potential for a real breakthrough but a lot of caution to be exercised because we still have people who were being detained and imprisoned and there was no means any guarantees that in the end, there would be a negotiations process, that would produce, anything substantive, so there was ambiguity and that was not, not an easy time, but the of course, people started coming back into the country and that also had both very positive sort of... things. You know, I remember, it was just very nice to reconnect with people like Joe Slovo and Chris Hani, but it was also problematic because they were very, very closely watched and it just put that much more strain. But I suppose, by around March of 1991, it became clear that we were not any longer being actively sought after in the sense of any attempt to create a trial or something like that, but rather that we would get our indemnity, people had started to be granted indemnity, initial indemnity to enable negotiations, we would get it and it was just a waiting game and it took...it took three months, which were very long and sometimes very, very frustrating three months and we were the last group to get our indemnity before the sort of negotiations commenced in earnest. So we got out indemnity and that three months had taken its toll. I think we all felt very differently about the process of indemnity. I, I suppose for me, I felt an enormous amount of anger at the fact that in my view, it had been unnecessary, that it had taken

so long but anyway, and then, ... there were a couple of months, there was an ANC conference, a little bit in between, I did some research work at Wits University around local government just filling in time and then in October, end of September, I was asked by Mac Maharaj to join the negotiations team at CODESA and then I worked full-time for the negotiation process through until it became the Transitional and Executive Committee.

Int What was your role specifically in CODESA?

JL In CODESA, I was what they called the Assistant to the Secretariat, the Secretariat was made up of Mac Maharaj and Fanie van der Merwe who were the kind of executive engine of the process, just ensuring that all the administrative...wheels were well-oiled and that the process of negotiations and local policy-making discussions could continue. And ya, and I was there, as the full-time person and it was completely fascinating time. I mean it was just very...it was very stimulating. And obviously, at the same time I was also quite active generally in political activity. There was a period in the negotiations where the negotiations came to a halt for a few months, and in that period I worked for a structure, which was dealing with the drought, which existed at the time and in dealing with some of the pressure that needed to be put on the apartheid state to make substantial amounts of relief available to poor people, which was bit of a first actually. And I was also quite involved in the African National Congress, I was on the provincial executive and so on. And then, in the Transitional Executive Council, I was the Assistant Executive Director and...I in that capacity, was responsible for what was known as the subcommittees, which...were the committees that in the six months prior to the 1994 election established in order to exercise a level of monitoring and control over some strategic arms of government and that was police, defence, local government, economy and foreign affairs. And so it was through that process, also interacted a lot with areas of specialization but also with the public service at large. And that too was an interesting process and it saw, it was a time when there were lots of wildcat strikes and it saw my office being occupied by a trade unionist from the public sector, which...was... was... an incident that provided levels of challenge and, and so on, then the elections came in 1994 and I was elected to the National Assembly as part of the um, ANC, on the ANC list. And that particular group of people who went to Parliament went there with a two-fold mission. One was to work with the Interim Constitution in order to produce a final Constitution and so that was what the Constitutional Assembly was there, was set up for. And also obviously to deal with the Parliamentary process and act in the capacity of the National Legislature. And within the Legislature, I was Chairperson of one of the Committees in the National Assembly. The one that deal at that time with... Water, Forestry and Agriculture. And then I also served on Local Government Committee and the Public Service Committee and from the constitution-making side, there was a 22 person committee that dealt with the actual driving of the constitution-making process. And I was a member of that committee so I was quite involved in the, in the sort of, I suppose the Steering, the committee that did the Steering but I was also then in particular involved in the committee that dealt with the public service and also...set up the, the Chapter 9 institutions. So, that for me, the constitution making process was

just something that was just, its indescribable, the, the extent of the stimulation, the intellectual stimulation, just in terms of engaging around issues that, there's no, these issues, there's already answers. There is a huge amount of experience both nationally, well, international to draw on as well as national intellect to kind of engage with, so it was just very stimulating. And also on the Parliamentary side, the legislature side, there was also a lot, that, that took place. In particular, in relation to water. The Minister at the time was Kader Asmal who I think really engaged with an area that was not initially of you know, his kin. I mean, it wasn't something that he had prior exposure to and knowledge but he engaged with it, as I think ministers should. Not from the perspective that I think that you know, that they come with already, not necessarily come with already build expertise but that what they looking at is how to deal with something that requires expertise, which ought to be sourced to a very large extent from within the public service but that expertise is directed at a way of ensuring transformation. And I think Kader (Asmal) took up that challenge with a level of firstly, commitment, and secondly, creativity, that I really think are admirable today, even on reflection looking back. I think that he performed that role really with a great deal of aplomb. He managed to have a process of review of what was sixty eight pieces of legislation plus the whole, a whole review of international best practice around water management. And the consequence was a policy and a framework, which had really been hailed with as much admiration as our constitution has been. Implementation, you know, is clearly a problem but... that's certainly, the political leadership that was required of a minister was very much there and it did enable the committee to engage. The committees were extremely engaged at the time. We also, so I found the drafting of the National Water Act a really great process to be involved in and then secondly, you know in the agricultural side there was a whole lot of stuff that needed to be unbundled around white control over a sector in a manner that wasn't of any benefit certainly of the sector and the country. And I think dealing with the context of South Africa, engaging with international trade, at a level that it hadn't been able to do, as effectively before, was also just very, very for me a very big learning curve and also very stimulating. So, I enjoyed the time in Parliament because of the constitution-making in the first instance and also because of the committees. I didn't really enjoy the sort of process of the, the way in which things were entertained within the National Assembly as a whole. I mean the notion that there was a debate and that the terminology and I suppose the structure of that, being based is very much a very British way of dealing with things was not, I think the best part of that experience. It was, it was something that I really didn't feel very positive about so in 1999, I got re-elected, spent almost a year there and about nine months and then resigned to take up a position as Special Advisor to the Minister. So that's kind of, I don't know if that takes us up to ... , I was Special Advisor to the person who became Minister of Water, that was Ronnie Kasrils. I mean he and I had worked for a short period in Operation Vula, because Ronnie (Kasrils) only came to the country in the very late stages of Operation Vula but we had nonetheless worked then and during the period of the, during the period of being underground, you know, the armed and dangerous thing, which was a very dangerous and intense thing and we had worked quite closely and well together and so I think that there was a feeling that I had some... you know knowledge about the sector and for him,

he didn't want to reinvent wheels, so we agreed on certain things that could be done and...after a year, he was quite able to deal with the responsibility in a manner that he was comfortable with and I thought that it was time to move on. I went and worked at the Reserve Bank, I am trained as an economist, so that was one of the logical places to go and I worked there for five years until I came to the Legal Resources Centre.

Int So at that point, you obviously had interaction with people like Arthur (Chaskalson), given your work on the Constitution as well...

JL I mean I had interaction with Arthur (Chaskalson) and Geoff (Budlender) before I left the country. I knew Arthur (Chaskalson), Geoff (Budlender) and George (Bizos)...and on my return in the negotiation process, I especially interacted with Arthur (Chaskalson), to a lesser extent, with some of the other LRC lawyers, who were involved in a number of the policy discussions and even drafting processes. But nonetheless, there was an awareness at least of their role and then in the process of going from the Interim Constitution to the final Constitution, there was certainly a lot more engagement with people in Cape Town. 'cos I spent more time in Cape Town and also with people from the LRC through submissions and representations they made to the Committee. And my knowledge of them through communities that they served that came and made representations to our Committee.

Int In terms of...Janet you were at the Reserve Bank for five years, what prompted your decision to leave? Were you headhunted? How did you come about to actually apply for the job at the Legal Resources Centre, as National Director.

JL I suppose, I was headhunted. I suppose I was approached in when was it about, in July, August of 2005, you know, to think of coming to, well, to think of applying I think is the thing to take up the post of National Director and I you know, I thought about it and I mean, and it was really only in, in September, October that I kind of made up my mind, that ya, this would be something that one, that I could contribute to, I thought I could contribute to and two, it would be something that would be...that would be an area to work in that would be very positive in the way in which I saw the world, working with people and with issues. I though I could relate to at a gut level.

Int So just prior to being headhunted or being approached, what were your interactions with the LRC and I am not speaking here specifically of the individuals of the LRC, but the institution itself?

JL The institution it was really during the negotiations process being aware that as an institution there were people from this institution who were involved in some of the drafting.

Int Right, so you hadn't really prior to applying, you hadn't really in anyway worked with the LRC directly, with the actual offices....

JL No, not. With a couple of individuals yes, but not with the offices.

Int I am curious, you have had such a strong political background and then to then take up a public interest law organization position and to then head that, what were some of your concerns about...?

JL I had quite, I had a number of concerns. I am not sure that they necessarily related to my, that there were concerns that arose because of any contradiction that I perceived in terms of my political background and what this took me to. In fact, if I had seen a contradiction, it would have been very difficult for me to entertain working for the LRC. I think it was precisely because at the level, certainly of the promise and the dream that the ANC carried forward into the negotiation process, that dream and promise is what made sense to me when I joined the ANC and so on and really is what the LRC fights for using rule of law.

Int Okay, so in taking up an organization that had had a strong leadership in the form of Arthur (Chaskalson) for a long time and then had...suffered, a kind of setbacks, a vacuum and people acting as National Director for periods of time, what were some the challenges you faced as National Director, having to take on full-on directorship?

JL Well, maybe just in terms of the history, I think that the first of all, sure, Arthur (Chaskalson) has had that ability to stand out within a crowd but I mean there were very, very significant other people, Geoff (Budlender) certainly played an important role, following while Geoff (Budlender) was still working for the organization, the position of National Director was held by Bongani (Majola) and subsequently, for a fairly long period of time by Vincent (Saldanha), and only then by Steve (Kahanovitz), who was only then more in the Acting capacity and I think that sure, that sure there had been some acting stints. I think the issue was really that in the context, that the new Constitution offered for human rights, public interest agenda, to be pursued, having people who had legal practice to maintain and having them simultaneously having them doing the management of what is quite a large law clinic is where stuff fell through the cracks. I mean that the different people that I have mentioned did in their own right contribute significant amounts but I think that they, the load that the dual responsibility was probably one that mitigated against focus and so I was aware that was sort of a luxury that I had which they hadn't had.

Int You also weren't trained as a lawyer, because even though Bongani (Majola) wasn't a practicing lawyer, he had been a law professor. So, for you, in terms of personal challenge, what were some of the things that you felt that you had to come up to speed with or did that not pose a problem for you?

JL No, I mean, I don't think it did pose, you know, a problem. I mean that there are things that I learned, learnt and I need to continue learning and I am sure I will learn that are relevant to certainly, practice management and some of the professional issues...but when it comes to just understanding and interpreting law, I don't think that I come with this sort of, the experience and the knowledge of, of many of the people who I have mentioned who preceded me

in this position. But at the same time, I don't really feel too bothered by that. You know, I spent a lot of time and when I was working as a Chairperson of the Committee, we did redraft legislation quite substantially. We did engage with the detail of legislation. Similarly with drafting of the Constitution, which I suppose in itself is a piece of legislation, there was a lot of engaging in some of the stuff of legalese. And you know, sure, its...its got its idiosyncrasies, with all due respect to the lawyers, its not exactly rocket science, so not it wasn't.

Int Right, you also had to... (signal from Interviewee) Do you want to stop at this point?

JL I think we should.

Int Okay.

**Interview 3: 30<sup>th</sup> October 2008**

Int This is an interview with Janet Love and its Thursday the 30<sup>th</sup> of October 2008. Janet, thank you once again for giving your time so generously in New York. I wondered if we could start the interview, if you talk about when you started at the LRC in 2006. What were some of the initial issues that you had to confront in terms of management and staffing and also the types of cases that were going on at the time?

JL Well, although I started at the LRC full-time at the beginning of 2006, the months leading up to that after it had been decided and I had decided that what I would be doing, which was in October, the year before. I had the good fortune of working with Steve Kahanovitz, who had been in an acting position, he was in an acting position as the National Director for the last six months of 2005 and he, he was able to spend time and provide me with a number of documents and so on to go through it. I was able to attend the meeting with the Trust, which took place in November of 2005, so that by the time I started in 2006, I had a fairly clear idea of what were the things that were going to be need to be tackled, both from a management point of view as well as a case load point of view. From a management point of view there were a number of issues: first of all, concern of, of everybody about the fact that the organization had been running at an increasing deficit, for a few years, and it peaked at a deficit of ten million rand in, in the year before I came. And so one of the important things was to ensure that from 2006 to 2007, that financial year, we had a budget that was approved and that would at least take us to a different kind of financial base and organizing the process of pulling together a budget and looking at some of the concerns about streamlining functions and staffing, it did mean, it was fairly clear early on that we couldn't continue the operation at the scale that it was in existence and unfortunately one of the things that had to, had to be looked at quietly carefully, was whether at the time, five offices could survive. So, we had an office in Cape Town, Grahamstown, Durban, Jo'burg and Pretoria, as well as the Constitutional Litigation Unit. At a functional level, the Constitutional Litigation Unit and the Johannesburg office was sort of collapsed into one, which was, while that was necessary just from the point of view managing that cost crunch at the time, I was not a situation that benefitted either office and obviously that needed to be addressed but took a while to do so. We had to close the Pretoria office and that was quite a wrench for quite a lot of people in the organization. Some of the staff in the Pretoria office could be accommodated in the Jo'burg office but of course, that meant a big shift for them in relation to travel and so on. And I, so I think that the down part of it was the impact that it had on staff. We moved from an organization of 92 people to a year later an organization of 62. So that was a sizeable chunk and you know and not just the people, although the majority of the post that were lost, were non-professional posts. We did also lose in the process, some of our lawyers and that, you know, that is also something that is quite difficult to find the right balance. So I think that's really what the first year saw us doing, as well as to put in place financial systems. The financial systems that we had been using before had been a combination of, probably in a way what is most dependable, a sort of paper and approach to moving from

that, to a half implemented electronic system, a package called Great Plains, which was truly hopeless in addressing needs and also the capacity to operate the program wasn't there. So, a lot of financial systems had to be put up and then I think also just getting some, exposure for myself, as to how each of the offices were functioning. I travelled to all of the different offices and you know engaged with the lawyers and people that were in the offices. Cases that were...you know...the, the sort of very key cases that we had to deal with are cases that some of them that are only got results down the road. In particular, we were still dealing with the Richtersveld case and that was absorbing both huge amount of resources, as well as time of many people concerned. We...had at the time also...cases that...the Communal Land Rights Act case that has only now just gone to court, had been hovering in the background, really since 2004, when the drafting of the legislation had taken a turn for the worse. So, and that really needed to be decided on, whether or not, it was going to take place and once the decision was reached that we did need to go ahead, there was a huge amount of engagement with the different sets of clients and the lawyers, a big legal team was involved right from the start...so that took a certain amount of energy. There were then...there was then in...in Johannesburg, the Silicosis case, which needed at the time to be put on a more manageable footing just from the point of view of the LRC and how the LRC was going to be involved...I am trying to sort of get my head around cases in 2006 rather than 2008....but ya, I think that's for now...maybe that is a good enough start.

Int I am wondering also in the previous interview, we really ended with the point that your not being a lawyer hadn't really posed a problem for you and I am wondering whether initially whether there was any, what you could call, resistance to your appointment, based on the fact, you didn't have a legal background, or did you not experience that at all?

JL ...I think with most of the lawyers, not. I think there were one or two lawyers who found the, the, the possibility of somebody not having a law degree being able to engage with legal issues. I think there was almost a delayed response, more scepticism. But I don't think there was what you would call outright resistance. We had...we had...I think that there were people who were feeling...very unnerved by the pace of change that had to be brought about and I think that probably was more of a factor...people did feel a lot of insecurity because rightly the organization was having to...to...to get to a point where it could be sure that it would be able to ride and pass the storm and so, I think that was more the cause of disquiet, of...of...of people in the organization. You know, I don't think...the fact of not being a lawyer I've, I've really found that those people that were less willing to engage on substance of their work...if there were feeling that the problem was the fact that I wasn't a lawyer, they certainly weren't articulating that. But those who were less able to discuss, very often was because their caseloads lacked substance...you know, we had for example, a lot of cases that came from the Pretoria office...that were dealing for, just by way of example, workman's compensation and its clearly an area, there are a lot of people out there, who

need the support of the LRC, so it was a big concern of people that would we be able to continue to engage because most of that work had been done from the Pretoria office and really when push came to shove, problem wasn't the Pretoria office had closed, the problem was that the case load really needed a lot more streamlining and management, because we were not and we still aren't an organization that could afford to take on hundreds of cases without being clear, on the same issues, without being clear that we were building towards something of a precedent setting case. You know, it would be that the same in any other sphere, we can't be the organization that is going to take up every person's pension plan, as an individual. But if there is something that clearly can set a precedent for the possibility for people to get their pensions in the manner that is more acceptable, clearly that's a case we can take and I think those were some of the issues that people felt, that people were reluctant to, to engage on because what we were engaging on isn't whether you know, isn't whether clients are worthy or not, in the sense of their need, but rather is this something that the organization has the resources to take on in a manner that really makes a bigger impact and if not, that needs to, we need to find a way to pass the work onto others or wind down the work, or both.

Int You really advocating for a test case approach and...?

JL A test case or a case that has within it the seeds of that broader impact or in some cases, maybe the, the, the...the law defining, or the law...the testing of law that gets done by the litigation might not be the only consideration, but surely the case may be...if I take the recent case on...on the N2, the housing case, you know a case that involved those kinds of numbers of people...if the LRC is able to make an intervention, even if it is an intervention that is not necessarily going to change the law for the better and so on. It's a case that has that wide impact because it is having a very immediate effect on such a large community of people.

Int Fair enough. I am also wondering the people that have actually worked for the LRC for a long time and one of the changes that they've noticed is that there aren't as many people coming in through the door... in the waiting rooms and I am wondering what's your sense, given the fact the advice centres have effectively closed down all over the country? Where are people with everyday basic needs going to, is there a system that's been set in place at the LRC for that kind of referral system? How...how have you dealt with that under your management?

JL The...the work that's done in the different offices through, I'll use the term front desk, which is where people would come in off the street has...declined certainly in...the Durban. Grahamstown, really that had happened sometime even before. In Cape Town and Johannesburg, the volumes have...the nature of the walking in from the street is very different and I'll come back to that. But I think there has been generally a decline in...in that. It was something that was clear when I came that needed to be addressed because when I came

the decline was also due to the fact that a lot of people were being turned away...on...on a basis that the LRC just for an example, if somebody came with a case that dealt with labour-related issues or damages claims, that's probably a better example. They were told the LRC doesn't do damages claims. Now what disturbed me about that was that while that was being said, we were in a process of...pursuing a case around...the....the...whole irresponsibility of mining of silicosis, which is a damages case, so you know, how, how can we make categorical statements: we do not do when actually there can be a very good case that, that makes it important for us to do. So, I think there was an ambiguity firstly. Secondly, the referral system had been...not been properly structured and had been weakened. As you say, also by the collapse of a number of the clinics...out...that was something that couldn't be addressed right at the start...in fact that is something that is really, really only...in the course of this year that I really paid a lot more attention to...and first, first of all, I think there's been a revival of the process in the Johannesburg office, which is the office that has done this most consistently of the paralegals that we do employ running training courses for paralegals in other advice centres and engaging with other institutions that may have an opportunity, for example, faith-based organizations to use their institutional structures to broaden the net of community advice, local community advice-based...local community based advice centres. In Cape Town, the only added thing I wanted to say is that, in Cape Town, it has been different and its been different because although the Cape Town office, has seen quite a sort of...slowing down of their engagement with advice offices and in that sense paralegals, they have had a trickle of other clients come to the front desk but they have had an endless stream of people come to the front desk dealing in particular, refugee related issues and you know its gone up to a hundred a day for a significant period of time. The reason really for that is because firstly, there was nowhere to refer people to and secondly, ...in particular, William Kerfoot has played a tremendous in dealing with numerically a high volume of people, as individuals but conscious all the while of the need to distil out of that something that could have a wider impact...and so...as I say, they have had, still had a large volume. I think that...that William's ability to deal with some of the issues strategically from the refugee point of view...is obviously limited by just a capacity problem. If he is not able to ensure that people get attention from the various other possibilities, particularly in Cape Town, the university law clinic, just because of the sheer numbers, he's just had to deal with that and cope and he's pretty good, ya. I don't know if that answers your question...

- Int Absolutely, just to bring up the issue of training that you've mentioned, of the paralegals; in terms of training of candidate attorneys, there are two points of view: one is that, either the LRC takes on much more vigorous training or that....?
- JL Well, I think when I started that was something that, without it being a consciously staged and phased approach, the...when I started the concern about the training of candidate attorneys was something that I was aware of at

the outset and I think that fairly slowly, during the course of 2006, it became something that was more of a conscious concern for all the lawyers and all the offices. The different offices deal with...candidate attorneys a little differently...and clearly a place like Cape Town has had the advantage of having such a high number of qualified and very experienced members of staff, so it makes the possibility of being a candidate attorney and having rotation and really being able to absorb, the...the knowledge of...of people who have had a lot more experience, a lot easier...but at the same time, even there systems were not properly in place. We also from a cost point of view looked at trying to get accreditation with the...relevant CITA in order to get some level of support and a lot of time and energy in 2006 and in the beginning of 2007 was deployed in...in doing that...In the end, because of the way in which CITAs function, that proved to be something that would not take us forward but what had happened is that in the course of that, there had been a lot of thinking going on about how candidate attorneys need to experience the organization. In 2007, there was emphasis on getting candidate attorneys to give feedback, getting lawyers who supervised them to give input as to what is was that they should be more familiar with, that they weren't and so that system, which was developed in a way for the purposes of us trying also to apply for CITA money, I think also set in place, some of the systems. I don't think in 2008, we've got it perfect, but I think we certainly have got a much more active and engaged set of candidate attorneys who do a very...you know, systematic rotation including in the Jo'burg office. I am sure now that the Jo'burg office has got a Regional Director that will be further strengthened. I would agree completely that if the LRC is not able to ensure that...the candidate attorneys that is takes on are...are people who are exposed to the range of functions that attorneys need to deal with, in the human rights field, I would say absolutely, we shouldn't do it. I think we might have not got it alright, but I think that people do get a very good exposure...this group of candidate attorneys that have started at the beginning of this year, I think would be able to demonstrate that a lot more, there's a consciousness about going to court, taking on matters, writing up briefs, interviewing clients, a lot more supervision of that, sure if people want to do Commercial Law in their later years, although we do get assistance from organizations like Weber Wentzel, where people can be, having a level of exposure, frankly speaking that is also not what the LRC is not about and where people make the choice, to do their candidate attorney stint at the LRC, that's because they want the human rights, the socio-economic rights issues as part of their main agenda.

Int Being South Africa, race is always going to be a dynamic, it is always going to be an issue. Over time, the LRC has always been plagued by the issue that...quite early on major funders like Ford, realized that there were not enough black lawyers, there weren't enough women on board at the LRC, this was indicated quite early on, so we are talking about the 1980's and I am wondering when you came on board, what have been some of the race issues, the gender issues that you have had to deal with?

JL The demographics of the LRC are, are a problem and I think that there are some parts of the problem that there are things that one can attend to in a more planned way and some parts are also looking at the way in which the

organization performs a role of feeling a role of feeding into the broader legal sector, a little differently. I mean, for starters, I think that it is not an inconsiderable achievement that the LRC has been able to say and demonstrate that its contributed to the transformation of the benches in South Africa, because 21 judges, you know have, have come from the LRC and their background. And similarly, candidate attorneys, we're talking about close to 200 attorneys, have been through the candidate attorney stewardship of the LRC. But one of the difficulties is that, you are going to get people who are going to be employed in an organization that certainly can't compete with commercial organizations for salary and the demand for capable, young, particularly, African is very, very high and those people will move not just to other law practices but many of the African attorneys who have in fact worked for the LRC have moved out of law into, into public service and so on. Now, I think that retention as, as a goal is very important at the level of insuring that you have retention of a middle layer of lawyers to...to always be replenished so there is an assumption that you would have some sort of cyclical process, where people who have started with the LRC, one would hope would stay on for a good three to five years but not necessarily beyond that and one then looks at the transition and what the bigger problem was that we did have a number of young attorneys who had worked with the LRC after their candidature for anything from one to three years but retaining people beyond three years was a huge challenge. I mean in 2007 for example, we lost four African attorneys because they were offered in the public service, two of them, one in a commercial firm, one was offered a position doing legal work but also within the public service and that was something that we couldn't compete with so, how, how, how one looks at this, is to what extent can one make an intervention that's sustainable for the LRC but you know, is, is also realistic in terms of creating an environment of the calibre that you need to have and I don't think that we've, we've solved the problem. I think that we are looking at measures to give people the opportunity to work within the LRC and possibly also to simultaneously do a postgraduate law degree, you know for a period, get exposure to other law firms and so on. I don't know that that's our problem alone. I think its going to be a problem until the sort of structural nature of the profession, which is changing, but changes sufficiently so it is not the exception to the rule to have a very large crop of capable attorneys, who are both women and also who are Africa, or black coming up. There're at the moment,... I think we...our composition in terms of candidate attorneys and people who could well stay on with the organization, there is some hope that the demographics could be addressed. But honestly speaking we would be dreaming if we thought it could be done in anything other than five years in getting a sustainable...and that's going to mean we are going to need five years of secure financial support. We need five years of ensuring that people are properly utilized and that the nature of the work is sufficiently vibrant and interesting and we also need to be sure that we do retain some of the very experienced people and also reintroduce more experienced lawyers, who might be at the end of their careers and I think that those are the sort of measures, which are being looked at but it is going to take quite a while to really put in place.

- Int I am also wondering there are of course, lawyers, who are white, who really do want to work for the Legal Resources Centre but for some reason they feel they might not be welcome or they apply and they feel that just might not be accepted, whether it is as candidate attorneys or senior lawyers and I am wondering what the LRC's policy is going to be, under your stewardship in terms of accepting white attorneys as well?
- JL I mean, well, we certainly since I've been there and taken onboard, white members of staff who are professional staff, attorneys, also advocates. And for me, it would be really down to if we had the resources and there were an opportunity to bring somebody in...for a function that requires a level of expertise, I think that would be the first point of departure. Obviously, if we had three or four people, applying for a job and the...them all having matching expertise and fully in line with what the job required, yes, then I would certainly believe that it would be correct to follow a process of affirming those categories of people who are really demographically underrepresented in the organization, so yes, there were a position and it also depends also within each office. You know if you have got a situation where you've got a need for a lot of people who can go out and see clients in rural areas where there is a high need for Sotho or Zulu or Xhosa to be spoken, that become an added feature of that person's ability that you look for but I...at the moment, I haven't had a situation where I have had to make a choice in taking somebody on board and have found somebody but because he or she has not been black or a woman have found that then that person couldn't start and that's true also for candidate attorneys. We have got a commitment for ensuring that candidate attorneys that come on board are selected on a similar kind of basis. You know, we...for a period were not as proactive, as we should have been in going and recruiting and scouting, you know the cream of the crop, kind of thing and I think that is in the process of changing too.
- Int From about 1994, funding has become a huge issue for the LRC, as it has for other NGOs and I am wondering when you came on boarding, how and what the funding situation was at that point and how its changed subsequently?
- JL ...Look, when I came on board, we, we...had an income of...I, I am not entirely sure of the exact figures, but our, at the end of the financial year, which was three months after I came on board, we had a deficit of over ten million rand...we had had an income, I am not talking about cash flow for the following financial year, so the year 2006-2007, so we had accumulated for the expenditure in that year, less than eight million rand and the budget that was finally agreed by the Trust in March of 2007, was a budget of eight million. So, we had the challenge of ensuring that we raised 20 million. Now, we weren't able to raise 20 million in the first year, so we still had a deficit on spending by 2007 but that by that stage, it had gone down to just under three million. So, I mean, the, the, again the concern of just sheer numbers was, was big. In terms of relationships with donors, we, we, some of those relationships were taking strain. There was some, a backlog of interaction with donors in some cases, reports, in some cases, even proposals, had not been put in time.

And so there needed to be a lot of attention given to getting firstly, all the backlog cleared out and secondly, getting a more...regular kind of interaction with...the donors that have been close to us for some time. And...in previous...you know in the period that there have been previous National Directors, I think, all of the National Directors have recognised that a National Director has to play a very...active role in... supporting the, the, the work that goes into fundraising but I think, you know I had, in my case, I didn't have a caseload or a diversionary pull of wanting to be a lawyer...so that I have able to give it a hellvua lot more time and a lot of time had gone into that sort of development work...were we are in 2008, is certainly a lot more better than in 2006, but it is...is a hard, hard area and it is going to be something that we have to continuously give more attention to because it, we're not in a position where South Africa is the flavour of the month, where...we can have the sort of imbalanced portfolio of income dependent so greatly on...international foundations. Its just got to be more balanced, more South African content, more content that is of...of, of...non-foundation support even overseas. And a lot of attention to individual donors, I think.

Int I am also wondering Janet, recently staff mentioned that they got retrenchment letters, so that is always is quite scary for people, especially those who have worked for the organization for many years and I am wondering what the feedback was to you in terms of those retrenchment letters and the stress factors attached to that?

JL I mean...there...there was huge stress. I...I think though that in terms of the letters that people were sent, I worked with a labour lawyer, who donated his services *pro bono*... who wasn't out of, who wasn't part of the LRC and it was clear to me that we were not going to be able to sustain the numbers that we had, so it was a question of, you know, do we go for broke, in other words let the organization...or do we do something. And so it was clear that we had to do something that we had to look at restructuring. So the first letters that in line with legislation and the legislation around labour relations is certainly not perfect and there is almost...draining, kind of energy draining sorts of things that one has to do, but at the end of the day, it's a process that is inherently fair that if you know that you are going to have to restructure, and that could in the process lead to any form of retrenchment, it is important to give people the signal, before you start. Secondly, you know, in coming to solutions, you do have to engage actively and sincerely with people, to look for solutions that either may not have occurred to but that you willing to actually look more closely and so on and so, there were many of those kinds of proposals and so on. But at the end of the day, you have to take a decision and so long as the decision you take is not arbitrary, you explain it...then that has to happen. But, it, its quite a...it's a delicate tightrope to work with people in contemplating restructuring, which can ultimately affect not just maybe their jobs but even where they work and the content of their work. And I think there was, you know I think there was waves of more difficult times and waves where people were able to accept the necessity for it. And also to accept some collective responsibility because nobody, it wasn't a decision that I took alone, it was

also not something I implemented alone. I had a great team with the EXCO members, for whom it was very difficult to carry out some of those, those discussions, one on one discussions. But I think there was a level of...what's the word, of, of strength, that one could draw from knowing what you doing. There's no personalization to it. It is about an organization and you are doing it with as much fairness as possible. And we did try and succeeded in a couple of cases to find alternative jobs for others and I am happy to say, certainly two people from the National Office were found full-time jobs, are still very happily working in those jobs. We managed to find part-time work for a couple of other people and again those people... and we then also give people an option, maybe there were people who were confident in themselves and preferred to have more flexible lives or whatever, so we had to be more flexible in the solutions that we were willing to go with and I think some of the ones, for example in the case of one of the lawyers, who had reached pensionable age, she...you know we had to say, we can't defer a pension, but at the same time, the contributions, she was making, the caseload, it came a realistic option for us and for her to work for a reduced number of days or hours and for her to use the non-LRC to develop a practice that, she is going to work in from Pretoria and so the transition for us has been smooth, the transition for her has been a lot smoother. So, ya those are the kinds of things we had to explore and pursue.

Int It certainly is an unenviable task. I am just wondering for you, as the person taking on an organization that has had such a long institutional history in South Africa, what are the moments when it has become very daunting, is it funding; is it around management or staffing issues or the types of cases that you take on?

JL ...There's been bit of stress...in all of those. Initially, I was going to say, it was mainly funding...I suppose the involvement in fundraising is something that I... sort of realised that was a necessity but I relished least...at the same time to be...honest I think it's the area that I have not just learnt a lot in but its an area I have come to view very differently from the way in which I viewed it when I first started...I...I couldn't have been on the learning curve, had it not been for an organization from day one to myself, I was saying, this is an organization worth keeping...so asking for money for something like is always going to be what I would imagine is soul destroying fundraising, you know if you are doing it for other, other reasons, you know for other organizations. So, I mean it was a fortunate terrain to learn...a lot more about the professional skill and I see it as a professional skill and I see it as something I've still got a hellvua lot further to go but I can see a lot more clearly now, the kinds of interventions that need to be made, in order to place the LRC on the sort of professional footing that it needs to be placed with fundraising. But yes, it was daunting, I mean the first...couple of weeks, I made contact with a couple of people who work in organizations that had given money to the LRC and... I went to one meeting and the person I met with was clearly very delighted that I was at the LRC and so on, and very positive but when we got down to the business of money, he said...well, we are looking at probably withdrawing...from the LRC certainly when it comes to core support, that's not even a vague option...why? Well, you know, there

are other priorities and so on and so forth and...and actually there's some misgiving about the fact that there are a number of occasions where reports are still outstanding and so on. And its one of those times where you kind of, you can't argue, where you have just had the carpet pulled from under your feet and at the same time, you actually can't give up. So, I then said, well, well, can I get a list of what's owing and literally, I got a full A4 page listing of all the things that were owing. And some of them from the year 1999...and in 2006 with the LRC having moved offices, had...you know had a variety of National Directors, had lots of staff turnover and had lots of real...mess of financial recordkeeping. You know, to come back to the office and say to the people in the office, this list will be worked through and before the end of the month, we will be able to say we have got your list and your list has been attended to, and...that...you know whatever that takes, if it takes through looking old files, looking for receipts, looking for documents, that's what we have to do and that's what we did. And I think it did also assist people in seeing what is going to be necessary to turn some of those corners. So, you know that, that was daunting, because once you have gotten to that point, you then recognise that actually, if you can, which was in this case possible persuade the donor, let's, let's look at a way of putting in way the LRC on terms and everything and go forward. I mean, once you do that, you kind of know that if you don't deliver, its kinds of a bit of a last chance type of thing. Not necessarily a last chance, but its really...so that's been a lot of those kinds of moments. Also, I think that its probably, the thing that I have come to accept...most recently around raising of funds, is the importance of individual giving....You know, the...the, yes, you've got this kind of idea in your head that you need to spend eighty percent of your time on what's going to give you a big return and the idea of spending so much time on a donation that could be fifty rand a month or something like that, it's a bit...but in fact, those things add up and I think its part of that, that system that's once got to put in place. On...

*Interruption...Recording resumes...*

On the question of the staffing things, look, I am sure the dealing with the issues like retrenchment is...its...its wrenching. And particularly, because some of the positions that have to go were involving staff members, who were not earning in the higher sort of ranges of... rather low range that the LRC has and you know, that too was just really, it was hard and there was a...I didn't find that daunting. I just found it hard. I...I have had dealing with management of...human resource related issues, is something that I had to encounter in various ways before and I suppose because there was, certainly from my part and on the part of the board and EXCO members, a real intent to not to do things in a...in a manner that, that didn't take account of, of placing people in very difficult circumstances and trying to help them through it ....But there you know, a lot of systems that we needed around human resources because you ultimately for any organization, you want to get to a point, where people in the organization have a much clearer understanding of what's expected of them in terms of performance and that you can give them you know, a proper performance appraisal and management system but to get there, you need to have a lot of systems in place. I mean there had been attempts to put in place performance management...over some sort of cycles

and years. But I have been in situations of performance management systems, which are totally irrelevant and senseless to me. You either going to have a system that is meaningful for people, and meaningful not just the managers in other words but meaningful for people to plan their time or its no point in having it at all, other than to tick a box, you know and make your board members feel good about their time and the sorts of systems we needed are very basic but very big to put in place. Time management, so putting in place a time keeping system is hugely important not just to manage people but frankly speaking to manage finances...if you can't tell how much people are working on an individual case, how you going to know how much the case costs. And it is not one of those guesstimate things. Its either got to be one hour or a half an hour or ten hours. Secondly, we...so the time management system is in place; we needed to have sort of a proper management system around contracts, around leave, around very, very basic aspects of human resource management and really I would say there has been a real shift around bringing contracts into line, getting things like leave organized (inaudible), making sure that the individual personnel files were brought up to date. So, you also need that. You also need a system whereby people are reporting not just from a numeric point of view but from a content point of view and that is happening but it is not satisfactory yet to my way of thinking and I think its got a ways to go. And you need the kind of agreement between the individual lawyer and the Director of his or her office and the...the agreement between Regional Directors and National Office, myself. You need those things to be documented. It is not good enough to generalise and that's what we're moving to now. So, that I don't find too, its not so much daunting that, but its that I think there a lot of people believed that its okay to start with a performance management system. That's your end goal really. You've got to really build towards it and so...but I think that now there is a better understanding of that, But that I think was the one thing that...that...maybe...ya...I...I don't think there was an adequate understanding. Similarly, with planning in general, there was no real budgeting process...that...that enabled the budget to be adopted for the financial year, prior to 2006 and so having a system whereby a budget is put together for consideration by the Trust, prior to the start of the financial year was first (inaudible). But then once you've done that, you have to then also work at making sure that the way in which you compile that budget speaks more to your planned activities and how you plan your activities, in time for you to budget for those activities, in time for you to present to the Trust before the financial year and that's been something that has never been done in the LRC and its something for the first time potentially, we hope will happen prior to the 2009-2010 year. So, a whole issue around planning. Then lastly, just on the human resource side, you also need proper systems to almost project manage. You get money in and you have to be sure that, the money is spent in a planned manner, not just in terms of how you account to your donors, not just for the purposes of budgeting and financial planning, but for the purposes of making sure that there's adequate organization for whatever it is, whether it is a meeting or putting together things for court and...and a legal team, how big...how small, whatever, expertise you need. Those are things that you have to be able to foresee and plan for and I think that we are trying to get there but it is still going to take a while.

- Int It seems to me, that you have certainly set the groundwork for systems to be put into place, I am just wondering, whether in your vision, you have an understanding of the LRC going down the route of being an NGO or is it in your way, a public interest law firm. What is your ultimate vision for the Legal Resources Centre?
- JL I...I think that there, you know, that...the notion of being an NGO. I mean, we are an NGO, not-for-profit but I mean if you are asking me, do I think that the legal...content...should be proportionally less, then my answer would be definitely no.
- Int I think what I am asking is that sometimes there is a culture within NGOs of a lack of professional systems being set in place and for that....what you saying you really want to bring the LRC up to...
- JL Absolutely, there is no reason why NGOs should be in that space...there no reason why, as a law clinic, as a law firm, notwithstanding the fact that it's a not-for-profit, there shouldn't be and can't be proper systems in place that, that are case costed relating because you've got to get to a point where you costing your case work and that does not mean that your case work is necessarily litigious but it means that you are in a situation where, you know, where Roxsana's come and she's given you her problem and you think her problem is worthy of tackling and you've tackled it. We've got to know at the end of that process, we have not only had the best result we could for you as a client, we've not only been able to make the decision to take you on, on the basis of impact but we have achieved that impact and there things that we had to do in order to do that, but we've done it in some kind of manner that is comparative at cost, but otherwise there is no way we can improve the way in which we do and that seems to me to be short-changing, not just the clients but short-changing people who work there and its hard, its harder to do it in a non-profit environment, accepted but there are certainly measures that can be put into place to take one very, very far down the road. And I think it's the only way for an organization, certainly, that absorbs the budget that the LRC does to really get to. Otherwise, it just won't, it won't be able to survive. Ya...
- Int I am also wondering Janet, what levels of support do you foresee for example from EXCO and from the Directors within your National office, as well as from the Trustees? Have you found that at times, you have been at odds in the way or direction that you may have wanted to take the organization or do you find generally that there is this common consensus around the direction the LRC needs to go?
- JL Look the Trust...again I mean, I have worked with other organizations, where Boards of Directors or Trustees, which is you know, whatever particular structure they have, have really, played a marginal or sometimes, unintended,

but...a role that is not supportive. I've been very, very fortunate in terms of the LRC. I mean the Board, I think has grown into a lot of the agendas together with me and I mean, and has been in that sense, very supportive...and I think that...you know, people on the Board have gone really extra miles to make that...we were at a strategic planning session in February of this year and...that involved all of the lawyers and the Trustees. No other staff members and it was a two day event, starting you know, early in the morning and sleeping over and going through the following day and the overwhelming majority of members of the Board stayed for the entire duration, notwithstanding the fact that, that everyone one of them has got a...hideous kind of a schedule and I think, it was, it was an occasion where lawyers in the LRC, actually had to acknowledge the kind of substantial dedicated that's coming from the Trust, in a manner that, some of them hadn't twigged on quite as clearly as before and so, I think, there's a huge gain from Trustees. Obviously, from all of that, if you want me to put my Trust hat on, I think there's things that can be improved as well. When it comes to EXCO, the EXOC members have been I think remarkably supportive. I think its building a kind of team of that structure, has been very important and I think we have also in the process, all recognised that the need for EXCO and me, EXCO in general, me in particular to have a much more regular means of communication internally within the organization has been heightened and I think that probably should have happened much earlier, because what has happened is that, that...there's been a sort of...at times, I think a sort of feeling by, by lawyers that EXCO is not giving them enough information to bring them, I don't know if not kicking and screaming into some of the systems that we need to pursue. And I, I take that and I think there is a lot of effort now going into that, but that is clearly that is something that, that, that needed to be attended to, ya...

Int One of the things that comes up is that you have got a very senior position on the NEC of the ANC and you are also at the LRC, is that in any way a conflict of interest, or do you think that its actually a very positive role, to have that dual role?

JL I am not...not...the fact that a conflict of interest can arise, is I mean, is obviously there at some point. At the same time, for me...to serve on the National Executive of the ANC is a position of privilege to be able to carry out...I don't either in the ANC or the LRC, have different points of view on any single subject. What I say in the LRC, I say just as freely in the ANC and vice versa. For me, I think the anxiety that people did feel was whether or not, by virtue of being a member of the NEC, my a)...conviction and determination to take up certain issues, which may involve the LRC suing government, criticising...some of the lack of...performance where that is appropriate...that might constrain me or that I might even constrain myself and that hasn't happened. I...I now either, I haven't ever felt any of that pressure from outside of myself and certainly from my own point of view, you know if...if...we...taking up an issue, we are taking up an issue because it really, really is meaningful for the purposes of building our country and for the purposes of attending to people who are most vulnerable and to me that's what

I have dedicated, you know, my, my whole involvement in the ANC has been about that, so...I would find it difficult to be involved in an organization that did things that I thought undermined...the possibility of democracy, undermined initiatives for development, undermined you know, the, the real achievements that have been made. But equally, I wouldn't want to hide any of that under the carpet, it doesn't help. So, I don't see it as a, as a conflict, you know as a conflict of interest, it's a lot of work and I think that there's a gain to be made...the gain being that I am able to contribute...ideas in my own personal capacity to both organizations and get feedback from a diversity of points of view that feed into both organizations, all over again...so, I think it can only enrich the work that I do within the LRC...and hopefully has done so already.

Int Certainly, there is agreement that under your stewardship the LRC has taken on cases actively against an ANC-led government, as such. I think the problem people seem to have is the issue of compliance and I am wondering how you understand it, given the enormous burden that the ANC government has in terms of resources, as well as human capital to get the job done. For example, in the Eastern Cape, the non-compliance of social welfare grants, I am wondering what levels of frustration it must have for you because you are on the NEC, you understand that dilemma but also on the LRC end, it's the idea that the judgement has been in favour of the LRC but really has not been implemented and you also saw that in the Grootboom case recently...

JL Look, there's enormous frustration. I think the frustration outside of, you know, the fact that I occupy a position in the LRC and I occupy a position in the NEC. Just as a South African, who...you know wants to see, change, change happen on an ongoing basis, the frustration is huge. There are times when, you know, just to give you maybe an example, if we look at a situation where...the Department of...you used the example of the Department of Social Welfare...the Department of Social Welfare in the Eastern Cape is underperforming. On the one hand, I...I don't have a kind of feeling that I need to be patient with that...so I, I think that the pressure needs to be put on but if it was found that look hypothetically that look there have been some sort of levels of improvement, but actually, hammering the Department of Social Welfare because its doing everything that is can, is not the issue. The issue for example, is that...there is...you know there is total dysfunctionality, for example, with regard to...the ID document. So, you know for me, it is kind of getting out of...I don't feel a need to, to be standing on, on a soapbox and tackling when there are real, real causes for things that can be better located but to be impatient with it, absolutely, its not necessary. Many of these things are wholly unnecessary. We have got a situation at the moment, where...the Department of Water Affairs is completely without any backbone when it comes to implementing what is has all the legal opportunities to implement and allowed controls on the water quality, it is unacceptable to me. I...It just something that does not need to happen. Yes, it can't happen overnight but I just like to see some indication of some serious will and my position in the LRC, even if I didn't work for the LRC, even if I wasn't on the ANC NEC, my irritation would be just as profound.

Int The other thing that...has come up particularly, in the past few months is that fact there have been these attacks on the Constitutional Court...Constitutional Court judges being called 'counter-revolutionaries' and there's been this...a lack of a human rights discourse...such as 'kill for Zuma' etc. There is some sort of understanding that perhaps as a public law organization the LRC should have said something. I am wondering what your position is in this situation where the judicial system is in a bit of chaos and its come under strong attack from certain quarters.

JL I certainly think that the times that we are living in are very tough for the purposes of ensuring that the structures of the Constitution and the soul of the Constitution is safeguarded and promoted... I think that the role of the LRC in this regard is, is profound and I think that the LRC has to an extent engaged in some of the debate in the form of individual people who are engaged in the LRC and the LRC is proud to have that association and makes no bones about that and have participated actively in those debates. Also, to the extent that the LRC has participated in a lot of discussions about restructuring the profession and issues to do with the legislation that should be there to improve the management of courts and so on and so forth. The point though is that we are looking into the maybe facilitating or playing much more of a facilitating role of the debate rather on every issue to be willing to slap out a statement. I think because it will then enable us to get much more and grapple much more with the content. We're in a time where just the understanding of the notion that judges are or aren't revolutionaries being reflected in their work as judges is a little scary, because actually, they can only be revolutionary, as the law provides the platform for the people to be revolutionary. And I think the whole question of the rule of law is very poorly understood and I think that there is a real underestimation of the, of the transformational obligations of the Constitution and to that extent, aside from playing an important facilitating role, for, for some of the discourses and debate, around the, the...context within which we work, the legal fraternity, the judiciary and so on, aside from that, in addition to that rather, I think that the LRC does need to participate actively in the kind of popularising and...the re-energizing of the discussion, just at the very broad level of people of the importance of those things. Now some of that can be done, is done, by making speeches, writing articles, putting those things on our website, some of it is done in the course of talking to clients, explaining to clients what in our view, the issues both before and during court cases. And some of that is through the...the...the possible participation in...sort of...wider fora that are popularizing those instruments. Its one of the things that at the moment, that we are not doing but exploring as to how to set those parameters and I...I think there's a huge amount that has to be done. I think the LRC's got to grow into that role, a lot more clearly but I think its vital, absolutely vital, what we do.

Int In terms of when Arthur (Chaskalson) was leaving the LRC in 1994, it was said...throughout the eighties, the LRC really had the same objectives and goals as the ANC in terms of anti-apartheid work. Now that there was an ANC government, there was no excuse for the LRC not to take cases against

government. Do you feel under any pressure within the organization or from the Trustees, or even from the legal fraternity to in some way not take on as many cases that involve government and instead to broaden...?

JL No, no, I, I don't think, I certainly don't think the ANC government is the only protagonist or opposition ever, that it has ever been government, whether it be an ANC government or not, and we have taken on, in a number of instances, private sector organizations and I think should continue. But you know, at the end of the day, the primary obligation for transformation and for the fulfilment of rights is the State, so it is going to be natural that the State is going to be at the receiving end of, of many of our legal processes. And I think, there is an attempt by people in the LRC also not to...promote maybe the more extreme positions...in the way in which it attends to...when I say more extreme positions, you know, if there is a possibility to resolve an issue, without having to, have confrontation, I think, there is a willingness to do, to engage around that but not at the expense of lots of time passing by with clients just being unattended. So, I don't think that there's any pressure to, to refocus.

Int I am also wondering Janet, for example, the Cape Town office in particular, has been really fortunate in that, lawyers, if you take the Richtersveld case, Henk (Smith) has worked on that many years and have had the luxury of really carving out a niche and focusing on that. Is that something that you feel that you'd like to see continue, or is that something that is too much of a luxury, given the particular context that the LRC faces?

JL I really feel that people work best when they feel passionate about their work. So, to me, if everybody in the LRC could for a significant amount of their time, be devoted to what gets them at their gut, I think that's the way the organization can be a very happy place to be in. So, as much as possible, to not just have their niche but to expand it, to explore it, to do sort of work that...will fulfil them in that way. At the same time, there may well be occasion where the resources are not available to do and that's where people have to make a choice. And I think its got to be a choice that's not sort of passively allowed to creep over an individual but an individual must ask, well, if there is no longer funding to do...do...I don't know, to do work...oh okay, I can give you an example, nuclear energy. You know, the pebble-bed case that we have been...taking is, is a case that was taken on in the form of the environmental impact assessment, which is very specific, a very particular form of...energy...development that...was being pursued not so much as part of a bigger, nuclear energy issue, but as part of an issue that was around environmental impact and also dealt with this very specific type of energy. The reality is that we've covered that work through a much broader, more broadly framed environmental budget and the bulk of the client base that we serve, their immediate problems, its not to say that nuclear waste is not to say everybody's problem, but the immediacy of that problem is not as great, for really thousands of people in South Africa, as air quality problems or water quality problems and when we are able to raise funds, its clearly up to now

been a lot more straightforward to raise funds for things like air quality or water quality issues. Now does that mean that we drop the pebble-bed, no, we've gone far down that road and it's a contained road and it's something that we need to in a way enable to see to its conclusion. It doesn't mean that we can get involved in the bigger nuclear energy debate. Well, no, unless we have the resources and if the lawyer who is very keen to work in that area, wants to continue, then she needs to make choices. Either to spend, you know, a certain amount of her time, working for organizations that have the resources or else to be other things and that's hard. Like I say, nuclear waste is hardly a small problem for us all but ya, it's a choice. So the extent possible, I am very in favour doing what as I say, what they can relate to best. But, ya, it's a balancing act when the funds aren't there.

Int Just to round up, given our time frame, I am also wondering, you have had a fantastic contribution that you have made to South Africa in terms of the liberation movement. How do you see your current role as an extension of your life trajectory...I am wondering what grabs you about this work that relates to your previous...

JL Look, first of all, I..I think the LRC relates to the issue of transforming South Africa, to bring really a better quality of life to majority of people and you know, that's for me, what the whole thing has been about and its committed to entrenching democracy, its an organization that pursues an agenda framed by the Constitution, very close to my heart. And I do believe that...you know that democracy we have...will only survive if those sorts of things are held in place but also held in check and...and so doing that, if something and working with people, who I, I feel an enormous amount of respect for...to me it's a privilege and its really, ja, its been very much along the trajectory, that I think my life's taken and I have been very fortunate.

Int Janet, you have expended a lot of time and really clearly elucidated how difficult it is to manage a huge organization like the Legal Resources Centre, I am wondering whether there is anything that I have neglected to ask you that which you feel ought to be included as part of your oral history interview?

JL Not that I can think of. I mean that you've got a wealth of...of human resources for probably a much richer insight. Ya, I certainly can't think of anything but thank you for asking.

Int Thank you very much.

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