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LRC Oral History Project

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Int Joel, thank you very much for doing this interview today, I appreciate it. I was wondering whether we could actually start the interview by talking a little bit about your own personal background in terms of growing up in South Africa, some formative influences, what may have led you to actually join the legal profession as such?

JJ I see, that's fine; you ask the questions and I'll try to answer them.

Int In terms of growing up in South Africa what are your memories about apartheid and what were the motivating factors for you to actually decide to become a lawyer?

JJ Well...I grew up in an area where there were only whites and I never knew any non-whites in my formative days until I really went to university. But I think I was...the sense of the injustice of...perhaps not the system but the way the whites treated non-whites in South Africa, and I remember being, even as a child, being annoyed with my...and angry with my parents, the way they behaved towards their black employees. But beyond that I...I went to a school, which...it was a Roman Catholic school in Johannesburg, called Sacred Heart, when I come to think of it, and at Sacred Heart they knew nothing about politics or about outside environment, the only thing you learnt to do...you learnt about was your studies in a very dull way, and sport, and so I knew a fair amount of sport when I left school...matriculated, but nothing about anything else. I then went to Wits University to study first a B.Com degree. And again, I didn't get involved in any way but had the first opportunity to meet people who were other than white. And I...but I didn't join any of the student societies, rather because I think at the time I was very...I was thinking and trying to work out where I really stood. And...but at the university I always was supportive of the Student Representative Council, and had some very talented people on it. As I recall, they even had Sydney Brenner, I think, who got a Nobel Prize, I think was president of the SRC, and was supportive in a non-active way of what they said and what they were doing and their approach. I then...I would like to say I took up law because I really believed in justice, but actually I think it was sort of, you had two alternatives when you'd done a BCom degree in South Africa in those days. You either did accountancy or law, and law sounded better than accountancy. So, I did a law degree and...but at the same time I joined a big firm of South African attorneys as an Article Clerk. And over there I somehow got drawn into the...I was asked by the Legal Aid Bureau, which in those days was a totally voluntary organisation with no funding at all, to handle a number of cases, small, petty cases, but I did that. And when I graduated I was asked to stay on by the firm. But it was very much a commercial organisation and I started to build up, without my principal's knowledge, quite a big legal aid practice, and did some quite useful work with Group Areas appeals and that sort of stuff, not of a major importance but useful I think. And then the principals of my firm got to know my legal aid practice, which...and they said, no, no, this was unsatisfactory, not that they disapproved in any way but they were actually dealing with commercial matters of a high, a very high plane, which they understood very well, but they didn't understand this petty stuff, and therefore I would be totally

unsupervised and that wasn't satisfactory to them. Which was a nice way of getting around the fact that they didn't want me (*laughs*). So I said, well if that's so, I'll leave you. And I then went to practise as...I joined a very interesting and fascinating man, as a partner. He had been a very successful advocate, called Fred Zwarenstein, and Fred was a Communist, a sort of quite an elderly, grumpy Communist, and I joined him in partnership in a legal firm which was largely criminal, and he had a great reputation and so I used to handle the civil stuff and Fred (Zwarenstein) the criminal work. And he was a grumpy old bachelor but in his way he was tremendously kind and caring for disadvantaged people and used to...he also had a vast practice of what he called his outpatients, and outpatients got free treatment (*laughs*). And he was very popular because he was a crusty old man with a wicked sense of humour but really he worked tremendously hard for anybody who he was representing in a criminal trial. And I think he made a lasting impression on me because he never talked about all the good that he was doing, and carried on being outrageous in the way he conducted his life and his affairs. And we became very good friends. And then the two of us...oh, we then joined...we merged our practice with a lawyer called James Kantor. Now James Kantor had a large criminal practice. He was very much a playboy sort of...a playboy, he had very expensive tastes. And we joined him...I think it was on April 1961, it was just...sometime around there, it was just after Sharpeville, when a State of Emergency had been declared. And what happened was that from that day onwards the police...well, most of the effective police, were drafted out of the...trying to catch ordinary criminals, into trying to catch political prisoners. And as a result James Kantor's practice virtually dried up, and we remained with him for a year, but Jimmy (Kantor) had very expensive tastes so Fred (Zwarenstein) and I were not...found we had not drawn anything in a year and Jimmy (Kantor) had spent everything (*laughter*). Which was what he'd always done (*laughs*). Then I went back to the Bar. Then I was dual qualified, as many of us were in South Africa, you got articled and worked during the day and then you went to lectures in the evening. So I then went to practise as an advocate at the Bar, pretty junior advocate. And there I was...I think I was first approached by a lady called...who was the wife or girlfriend of one of my friends, called Hilary Kuny, her husband Denis Kuny, is a SC in South Africa, and has handled a fair amount of criminal cases, and they asked me to appear, of course for nothing, in what was then the Defence and Aid Fund. This was before it was banished. I appeared in a number of cases, well intentioned, but I think, particularly naïve. And then eventually...I think, Defence and Aid were banned but some new organisation came up to take their place, I forget who was there. And I then was asked to appear in a number of cases, as a junior...I mean, the only thing you could say about me in those days was that I tried hard. And then I appeared in a case with Arthur Chaskalson – we knew each other from university days, we were friends – and I was junior to him in this trial, and a very interesting trial it was too. I remember the name of the accused number one was Napoleon Letsoko. And Napoleon (Letsoko), who at that stage was probably about twenty, twenty-one, had been motivated by one of the PAC people...not ANC people, by the PAC people, to take part in a mini revolution, the objective of which was, I think, to unseat the City Council of Johannesburg, or I forget what, but the idea was that this band of youngsters, would march from Soweto into Johannesburg, would go...would descend on a firm, I think, called MI, who'd sold guns, and they would break into there, take the guns, and then they would take on the might of South Africa. Obviously they got caught well before they got to the gun shop and they were arrested. And I think about...a fair number of them were charged with sabotage, under the Sabotage Act, which had been passed at

that stage. Arthur (Chaskalson) and I defended...I think there were five in our group. Many of the other people who were arrested were beaten up and were produced as witnesses for the State, where they told the judge that the reason they were giving evidence was that they were frightened and that they'd been beaten up and compelled to say things which they hadn't...which were not true. The judge seemed fairly...was very disinterested in this. And the five of them...and what had happened, they'd beaten confessions out of all five of the accused. When they then sought to introduce these confessions into court...into the trial, and the all the accused said that they had been beaten, and that the...and we argued that the confessions were invalid because they'd been taken under duress. And we had a very interesting time because the law in South Africa was that each confession, and the admissibility of it, was a separate trial, and so we had five separate trials, and we each had the opportunity of cross examining each of the policemen five times, which was something you dream about, because every time they tell a different story, and then you'd ask them about the other four stories they'd told and how they reconciled it. Any rate, in due course these accused were all found guilty and sentenced to twenty years in Robben Island. And they were youngsters, they were children, they never knew what they were doing really. And then we lodged an appeal but Arthur (Chaskalson)...Arthur (Chaskalson) did all the work on the appeal...and I don't think I was even briefed on the appeal...I don't know who...I can't recall who our solicitors were, whether we had solicitors or attorneys...although you couldn't actually handle a trial without an attorney...my mind is...I must ask Arthur (Chaskalson) next time if he remembers who the attorneys were. But the only...apart from the tragic side of it, of five youngsters being sent to Robben Island for twenty years, Arthur (Chaskalson) took a point in the Appellate Division, which was very interesting, which was to the effect that where there was a similar course of conduct...evidence of a similar type of conduct by the police or anybody else, in each case, that the court could draw the inference that there was some truth in the allegations, looking at it in a broader sense, and therefore even though there was no direct evidence of torture, the fact that all the accused told a very similar story in each of their five trials, constituted evidence, and I think the confessions were set aside, but they'd convicted all the same. But that principle was enshrined in South African law in the Appellate Division, as a result of Arthur (Chaskalson), and was very important for future cases. And then I handled a few more political trials, they were minor trials, I think. And what happened then was that the accused in the...the people in the...there was a raid on the Rivonia farm, and Harold Wolpe was arrested along with all the others, and Harold then with Arthur Goldreich, succeeded in escaping, and the police were so angry...and Harold (Wolpe) used to work in James Kantor's office, and James Kantor was in no way involved in politics, but Harold (Wolpe), in the back rooms of that office, used to meet with Madiba (Nelson Mandela) and everybody in the resistance movement, and Joe Slovo and what have you, and he would defend them all when necessary. When Harold (Wolpe) escaped, the police got so angry that they arrested Jimmy (Kantor), who was totally innocent, and charged him with the other accused. And the meantime his practice was going to pieces, and I was on my way out...I'd decided by then to leave South Africa, and we decided to settle in Australia, and in fact got an assisted passage to Australia. And then his wife came to me, when Jimmy (Kantor) was arrested, and said the practice was collapsing. Jimmy's wife needed money and for herself and the family, and even himself, and would I...as I was going to leave South Africa in any event, would I mind giving up my career, such as it was at the Bar, and come in to sort out Jimmy's (Kantor's) office and liquidate the office. So I said, yes, sure. And so I left

the practice as a barrister and in fact normally there's a six-month period between moving from one to the other. But Arthur (Chaskalson), or it might have been Fred Zwarenstein or somebody, found some gap in the law which went back to the Boer War, I think, where somebody had been allowed to avoid that six month period, and on the basis of that precedent we got an application to court and I was permitted to go back to be an attorney. And so I then moved into Jimmy Kantor's office and took his...and started liquidating it. Which was not a very pleasant experience because the Special Branch would come and visit us from time to time, and intimidating us. They were very...as they normally were. And then while I was there, the accused were being held under ninety days, but towards the end of the...and no-one knew what was going to happen, you didn't know who was going to be charged, if anybody, what they were to be charged of anything. And then Hilda Bernstein, who's the wife of Rusty Bernstein, one of the people detained, came to see me and said if there was a trial, would I act as the attorney for the accused, and I said, ok. And then Winnie (Madikizela –Mandela) and the others came, and so I was then the attorney for all the accused, except Jimmy (Kantor), in that case. Jimmy (Kantor) had to be separately represented because his case was so different. And so that gets you to the Rivonia Trial.

Int And then, as part of the Rivonia Trial, you were representing some of them?

JJ All of them except Jimmy (Kantor).

Int All of them...

JJ Ya...And yes, I think there were ten altogether. And Bob Hepple's position is different. He had also been arrested, but wasn't eventually charged as one of the accused. And so there were eight accused plus Jimmy (Kantor), which made it nine...there just might have been ten, but I represented everybody except Jimmy (Kantor). And then I had to put together a team of advocates and we assembled a wonderfully powerful team with Bram Fischer, Vernon Berrange, George Bizos and Arthur Chaskalson. And that was a real privilege to work with those people, indeed it was of course even a greater privilege to represent those particular accused.

Int Could you talk a bit more about the Rivonia Trial and your experiences?

JJ Yes, well...I think the Rivonia Trial was very exceptional in a number of respects, because of the courage and integrity of the accused and the appalling conduct of the state prosecutor, Percy Yutar, and the police. And while you expected it as a matter of course from the police, you thought well, perhaps the public prosecutors could do a bit...could at least present a semblance of respect for the laws and the procedures of the courts, and of course, but they didn't. But as I say, a wonderful, really strong team we had, under Bram Fischer's leadership. And Bram (Fischer), when we'd asked him to appear as the leader, he had demurred at the beginning, and we couldn't understand why, but eventually he did, and as we gathered evidence from the other accused, we understood why Bram (Fischer) had been a little reluctant because he had been at Rivonia and he was part and parcel of the underground movement, but it just

demonstrated the enormous courage of Bram (Fischer) that he was prepared to take the trial and he knew that at any time a witness...they had labourers on the farm, could stand up and if asked whether they recognised anybody, oh, *waar die baas sit* (*laughter*). But Bram (Fischer) was one of the most courageous people imaginable and...him and Nelson Mandela. And we needed a really strong cross-examiner, and the outstanding cross-examiner in South Africa was Vernon Berrange. Now Vernon was originally a Communist. But Vernon (Berrange) liked to fight with authority in whatever form it was, so he fought with the Communist Party and was expelled (*laughs*). And then he...well, he fought with the police and with the government and everyone and had actually moved over...I think it was to Swaziland he lived, but he was allowed back for trials, but it became clear that if he took this trial he would never be allowed back again. But he said, so be it, and decided to take the trial. And George (Bizos) was beginning to be a really strong human rights lawyer even in those days. And Arthur (Chaskalson) was just the outstanding young commercial lawyer as it happened, and he was prepared again...all the advocates in the case worked for a pittance actually, I think one fifth or one tenth of their normal fees, but they were prepared to do it because of the cause. The trial really...there were key...there were a number of fundamentals which drove the trial and made it different from almost any other trial of accused, and that is...the accused...and Nelson Mandela...as leaders were prepared to accept responsibility for what they had done. They...wherever a witness was telling the truth we were not allowed to cross-examine. Even if the truth was mixed up with a lot of falsehoods. Once you're not allowed to cross examine on the whole area, on the truth as well as the untruths, it's very difficult to discredit an accused because the truthful bits provide corroboration almost that they are telling the truth (*laughs*), even when they are embellishing and lying. But that was a principle and we were told we couldn't...we're not allowed to cross-examine accused telling the truth. And that's, you know, like a boxer entering into a ring with one hand tied behind his back. The other key point with the accused, and it was part of this accepting responsibility was that they must set an example to their people, that there is no sacrifice too great to be made in the cause of the fight for freedom, no matter what the consequences were. The other real fundamental part of the trial from the defence point of view was that the accused decided to turn the trial into a trial of the government. So instead of them being on trial, they were...not instead of, in addition to them being on trial for their lives, they were putting the government on trial. And of course they succeeded very well in creating an understanding of the cruelty and injustice of the apartheid government on a worldwide basis. I think that trial was probably a turning point in the world's attitude to South Africa. And once your clients have decided on this course of action it's not so easy to defend them. And we, of course, were desperate to avoid a death sentence, and I think what haunted us throughout this trial was that these wonderful men whom we were defending, might be hanged, and we had to do everything we could to prevent that. And so the tactics of the trial were to try to achieve really two things: to a trial of the government and putting the case to the court of world opinion...their case to the world of court opinion, rather than to their particular individual circumstances. And the second, which was in contradiction to that in a way...which was not in contradiction, but which undermined the other important point on our minds but it often seemed to be less on the mind of the accused that their lives needed to be saved. And that was what the trial was about really. And I think what...there was a key doc...that eventually as the trial progressed, it was clear that there was one key issue, which had to be established, and unless it was established there was no chance for the lives of the

accused. Because basically, in a number of minor trials where people had done almost nothing they were given twenty years imprisonment. Now if somebody was plotting a revolution to unseat the government you had no chance if you had decided on that revolution. And there was a document which was key which emerged as a central point of that trial and that was a plan called Operation Mayibuye, which was written out and which was being discussed by all the accused...not all, most of the accused...at a meeting at the Rivonia farm on the day that they were arrested. And when the police arrived, according to the evidence, I think it was Dennis Goldberg, grabbed this plan which was on the table for discussion and put it into the stove in the corner there, but it wasn't alight (*laughs*), and so it ended up in the hands of the police, and it was pretty damning evidence. But the position of the accused and...and of course remember that already Nelson Mandela had been in jail on Robben Island for a year at the time of the trial, so he could hardly have been part of that particular...had anything to do with that particular document. But the key issue became, was that a plan, which had been accepted and put into operation, or was it a plan still in the course of discussion? And the accused said it really was still being discussed, there was a lot of opposition to the plan, I think "Kathy" Kathrada, "Kathy", who was always incredibly brave but didn't believe in violence, it was following the Ghandi thing of...what do you call it...passive...

Int Passive resistance.

JJ Passive resistance. I don't think Bram Fischer was...well, he wasn't there, so he couldn't be charged on that particular account. But I think there were different views and they were still discussing that. So what we had to establish was that that plan hadn't been put into operation, otherwise there seemed to be little hope for the accused. And we succeeded in doing that. And so that's a very broad outline of the key issues, a trial which went on for nine...I think for nine months it was, that trial.

Int From what you've told me your trajectory was not really starting out to work with political cases, but it somehow ended up that that's where you got involved, and I'm wondering how that actually then shaped your legal practice, as such?

JJ Well, the irony of it is that it was actually the end of my legal practice (*laughs*). I mean I handled for, I suppose, from 1960 until '65, then I left South Africa, I handled many, perhaps even most of the important political trials. And so I was very much involved with the practicalities of defending people, and didn't really have much time to think about how it was affecting me. You did whatever was necessary in the interests of your clients. And I've never been much of a thinker, I think. I sort of like doing things rather than perhaps talking about them. And after I...the series of trials ended in 1965 and they had so crossed the ANC and the Communist Party and the PAC there was actually no-one left to defend, they were all in jail or out of the country, or in hiding, and that's the time when I left South Africa and have never practised law since, although I've been quite a devoted supporter of people who were practising law and doing human rights work, and in a minor sort of way I've made a couple of useful speeches on human rights and the law, but it's not...law as such has not been my field since I left South Africa. And I was only, in '65, I was thirty-three, so I've had forty odd years doing other things.

Int I'm wondering in terms of what motivated you to leave South Africa, was it the political situation or were there other factors in deciding to leave?

JJ No, I think the political situation was really what drove us to leave. We actually...we didn't want to bring up our children in South Africa, in a poisoned environment really. And I think we weren't brave enough to stay (*laughs*), so the least we could do was to get out, and so we decided to go...in fact, we decided to go to Australia. And we got a subsidised passage to Australia. And we were...and in fact with a friend of mine who was going to go to settle in England, I persuaded him to go to Australia, a friend called David Bloch, and we were booked on the same airplane, but that was in...he left in 1961, just about the time of the arrests...and went off to Australia where he became very famous, and I cancelled my trip to Australia and in the end never got there.

Int So what made you decide to come to England, what were some of the factors that ended up...?

JJ Well basically the funds for the trial had always come from Canon John Collins. He was the Canon of St Paul's. A most remarkable man, very radical, who once he got to be a canon – he was destined for higher things probably to be a bishop or an arch bishop, but he was very radical in his thinking. He got appointed to St Paul's as a canon, and once you're appointed as a canon (*laughs*) you got securities, like university things, and he took a great deal of interest in South Africa, and set up the International Defence and Aid Fund to provide legal defences in South Africa. We got a lot of funding from the Scandinavian governments, the Swedes in particular. And he provided the funding for the Rivonia Trial. Which was most remarkable. We had a...a few years ago had a reunion of the Rivonia Trialists...well, the people involved with the Rivonia Trial, at the farm, and over there they somehow had photographs and papers pinned around the place, and they found my account to Canon Collins for the trial. And for a nine month trial with four barristers...four advocates, we'd done it for...he'd sent us...he'd sent me thirty-five thousand pounds, or something like that, and I'd managed to handle the trial for twenty-seven thousand pounds. Now, in what happened subsequently in South Africa when it became quite an accepted practice for lots of money was coming in, I think they would get through twenty-seven thousand pounds in one week. So I was very pleased with that. But we had no money at all, none of the accused had any money. No one in South Africa was prepared to give a penny. And Canon Collins said he would help and he sent over a fairly modest...modest amounts of money but it was the only money we had to handle the trial, and we had so little money we couldn't even afford to buy a copy of the record, it was too high...too much. And...now I've lost train of your last question...

Int Well, I was wondering what motivated you to come to England?

JJ Oh, come, ya...so any rate, I think in...ya...I think the reason was solely we didn't want to live in an apartheid state and I had a view in particular to bringing up children and I had a view at the time that probably the apartheid state would collapse in about

2020. It was quite a common view. I mean, the ANC and the Communist Party and the others, were so weak militarily, they had no hope against South Africa and therefore I thought that would see me through my lifetime and my children would be relatively old and we really didn't want to be part of this. And I, as I say, I think we weren't that brave to stay and fight.

Int So you came to England ...?

JJ Oh, yes...I explained why I was...that's where I lost track...John Collins had said, would I come over to England and would I talk to them, would I help with fundraising by telling what is happening in South Africa? So I said, ok. And at about the same time I got an invitation from a very interesting American lady called Gwendolyn Carter, who was at Berkeley in California, and very interested in South Africa and had been an observer at the trials. So she said, would I come and give some talks in the States? And I therefore decided I would go to Australia the other way around, through the UK and then through the States. But it didn't quite work like that, and my wife would stay with the children until I'd found a home in Australia and a job. But it didn't work that way because shortly before I left South Africa the police had removed my passport. And so I arrived in England without a passport and the Australians, who I think at that time were working...it was a whites only policy in Australia at that time under a prime minister called Menzies, and I think they worked quite closely with the South African government, which also were a whites only. And I think they decided that they didn't want a troublemaker like they thought I was, coming into Australia, so they wouldn't let me in but they used as a ground for that, that I didn't have a passport. So I had to stay in England (*laughs*). Which is probably the best thing they could have done for me (*laughs*).

Int So in England, did you continue with your work on South Africa? How did that...?

JJ No in England...well, only partially, but I did something actually which was quite interesting. When it was clear after three months in England that I wasn't going to be able to get into Australia, I happened to go to see a friend of mine, a very brilliant lawyer he was at that time called Mark Weinberg, he's now Sir Mark Weinberg, and he had just decided to leave law and start an insurance company, and he offered me a job, which I took. So I was now in the life insurance industry, something, which I had never thought I would ever do. And I started off...I think I was called the secretary to the company, and it only had about ten people working there. And then it became an enormous success and grew very big. But what I was able to do was...and I was charge of the administration of the company, not the selling, I can't sell anything, and I was in charge of the administration and we were growing at a tremendous rate, and I took on...and there are a large number of South African refugees in London, and I think I gave most of them a job (*laughs*). It really amused me because basically we were owned by an American company called ITT, I think a very right wing company, and they didn't know that their very successful company in the UK was run by a mixture of Communists, ANC supporters, PAC supporters, and in fact we took in immigrants from elsewhere as well. And there was a thing called a premium collection department which was run by a South African who had been arrested, called Issy Dinat, he went back to South Africa, I think the last I heard of him he was

mayor of Krugersdorp. And Issy (Dint) used to run this department, and it was like the United Nations there, there wasn't a white face to be seen in the place, which was unusual in England in those days. And I had all these South Africans, I had Wolfie Kodesh who was an armaments man, and a chap, Billy Nair, who was a great skilled teacher, but he was a great saboteur, and...I think one or maybe both of the two blokes who I think are in at the helm of the President's Office....what were their names again...he's chief of staff at the moment, an Indian chap...I think they, one or other, or both of them, worked for us there. Ya, so I provided a very useful function (*laughs*). And of course particularly the Communists that had worked at in cells in South Africa, were very used to being well disciplined and organised (*laughs*) and so they were wonderful to have in the company, so...ya, so that was a good thing, and at that stage I'd worked a bit...I was across the road, we were at St Paul's and John Collins was across the road at Avon Court, it was called, and so I'd see him from time to time and help there a bit. I suppose for those five years I was, apart from employing all these South Africans, I wasn't directly involved in anything relating to South Africa other than in broadly supporting.

Int So this brings us to around the 1970s?

JJ Yes, that would be...ya.

Int And at that point did you stay on with the company here, did you...?

JJ No, what we did then, our Americans owners had a fight and we decided to...we backed the losers in that fight, who were a small company, ITT had fifty percent and this other company had fifty percent, and they had what they called a buy back option, so as soon as we were tremendously successful, I think they bought this thing from the company, from Mark Weinberg for about a hundred and twenty-five thousand pounds or something like that, in those days, when eventually five years later it was...it was this dispute between the shareholders came, I think the fifty percent share was worth about seventy-five million pounds or dollars, I forget which, at that time. So that's why as soon as they were making so much money they obviously wanted the whole lot. We backed a smaller company, the smaller shareholders, and they lost out, and what we had said was to the other shareholder, the ITT group, the very big group, we'd said, if you don't accept the offer from the smaller company, which is Georgia Life, we as a management team will leave. And they didn't believe us. And when we lost we left, and started a new company, which was called Hambro Life. And that was also very successful and grew into something called Allied Dunbar, which was also very successful and fairly recently has been acquired by Zurich Life, who are busy destroying the company (*laughs*), but all of us have left by then.

Int So you never went back to law then?

JJ Never went back to law, no. I had a big legal department who worked under me but that was commercial law in the UK, and I had very little interest in commercial law.

Int Right. So at this point did you keep in touch with lawyers that you'd worked with, like Arthur (Chaskalson) Chaskalson, maybe, I don't know whether you came across Sydney Kentridge at that point?

JJ Sydney Kentridge?

Int Yes.

JJ Um, no...I think occasionally...Arthur (Chaskalson) and I are very close friends but we're always so busy, we never write to each other. But I didn't keep in touch as such but when I heard of the Legal Resources Centre I was very enthusiastic and supportive of it. And I think, but I'm no longer sure...fortunately, one of the fortunate things of working in a successful company is you end up with quite a lot of money yourself if you happen to be one of the founders, and...and I as someone who had...I don't think I'd ever been particularly ambitious for money but I was able to use it quite effectively, so I gave a fairly generous support to the Legal Resources Centre when it started off...oh, yes, and I remember, I did get very much involved in something else, Canon Collins and this Defence and Aid Fund had set up a system for getting money to dependants of political people who'd been arrested, and you couldn't send them money through the banking system, but in those days English postal orders were acceptable in South Africa, and I remember they used to send a number of us about five hundred pounds worth of postal orders and then one would write to a number of wives of accused and send it to them registered post, and there was a pretty fair chance they would get it. And I did quite a lot of that, but it was very hard work because you had to write them letters (*laughs*) and everything, I was very busy, but I did that. So that was a sort of a connection. And so I maintained a connection with the Defence and Aid Fund through John Collins. But otherwise not, and my focus changed, in a way, from South Africa to the developing world generally, and I got involved with Oxfam then and other aid organisations and I was alongside any support I could give to the Legal Resources Centre was helping them as well.

Int Right. So around 1978/79, when Felicia (Kentridge) and Arthur (Chaskalson) came up with the idea of the Legal Resources Centre, were you aware right from the beginning of the intentions to set up the Legal Resources Centre?

JJ No, I think I might have heard...heard of it...no, I don't think I even...I don't think I was in any way aware, I certainly wasn't approached at that time. And I didn't know about it, they got their funding from the Rockefeller and those two other trusts in the States.

Int Carnegie and Ford?

JJ And Ford, but I had nothing at all to do with that. Other than I thought, you know, Arthur (Chaskalson) is so brilliant that he gave up his tremendously successful career

at the Bar in order to take this on, which was typical of Arthur (Chaskalson) but remarkable.

Int Yes. At what point did you really become aware of the LRC and what its mandate was?

JJ I think I got a sense of it from reading the papers and talking to people, what it was doing and thought it was a wonderful organisation. But at that stage they weren't looking for particularly in the main for money from here, they had this very generous funding from the States. And no, I had no contact, all I did was I would read in the papers or such some of the wonderful things that they had achieved.

Int When you heard about it, did you harbour any reservations having your own experience, political trial experience, about what they could achieve, given that apartheid law was enshrined and they were using the rule of law?

JJ I thought at the time...firstly I thought with some regret that actually I wished I was there working with Arthur (Chaskalson), but...and that I wasn't, and couldn't go back in any event. And when you leave on an exit permit, it's a one-way ticket (*laughs*). But...no, I thought...I was astonished at how brilliant and successful they were, and how they'd used the remnants of the law to achieve such remarkable results. I thought it was the finest charity I'd seen. I remember, I used to compare it with one other, which I can't think of any longer, but as the sort of outstanding charity of my experience. Possibly when...and I might have then started helping with funding but I had a problem actually, and that was that, I didn't think it was wise for the Legal Resources Centre to be directly supported by somebody who had been effectively thrown out of South Africa, and I thought it actually could be harmful to them and the environment which existed then. So as whatever support I gave I would always...I think I would give anonymously or...but I didn't have an important part to play in the LRC. I wish I had.

Int ...I'm curious of the genesis of the LAT, how did that come about?

JJ Aah, that came about in 1985 or '86, when Felicia (Kentridge) and Sydney (Kentridge) came to live permanently in London. And to the best of my knowledge, Felicia (Kentridge) got in touch with me and said, could I help? And we discussed the setting up of the Legal Assistance Trust. And again, I'm not sure, but this must have been mid 1980s I think...I've got somewhere where I saw a date which I picked up...yes, it must have been '85, I think, and my memory is so poor of those early days, that I...and I can't find any documentation there, and I clearly cleansed my files, and Felicia (Kentridge) spoke to me and said, could we...I think she said, and I'm not even a hundred percent sure this is what she said...that could I help, could we work together...not work together actually, could I help? And I said, sure, and we discussed setting up a charity over here, and I think, again, and I can't be sure that I, helped Felicia (Kentridge) to approach a firm of lawyers and to set up the charity. But I'm no longer sure what exactly I did at that stage. And what happened was that I decided that it would be unhelpful to the Legal Resources Centre, for me to be

involved overtly with the Legal Assistance Trust, because it could look as if someone who is banned from South Africa is manoeuvring and trying to undermine the apartheid government, and this could be used against them. So I said, I would work with you and help, but I don't want to be seen to be a member of the...to be a trustee. And I think I helped Felicia (Kentridge) to set up the LAT, but I'm not a hundred percent sure. And what gave me a view on that was, the one letter I've got was a letter...when the...when Nelson Mandela was released, I think it was in 1991, I might be wrong about the date, at that stage I felt it was ok to become a trustee of the Legal Assistance Trust, and I found this letter which quite interested me because it reminded me of basically what had happened, which I quite forgot. Which if you'll see from it, which it clearly refers to some previous involvement with me. And I now realise that what it was about at this stage I should become a trustee without possibility of adversely affecting them. So that was in 1991. And...so in the meantime Felicia (Kentridge) set up the Legal Assistance Trust, and she got together the trustees, and she got Lord Alexander, who was one of the really great barristers of our time. And she got...well, Sydney (Kentridge) of course, and another lawyer called Cyril Glasser, who had been a solicitor, had done a lot of work, and I think had also managed to get...he was British, but he managed to get himself banned from South Africa, I think. And she then recruited Jill (Williamson)...have you interviewed Jill (Williamson)?

Int Not yet.

JJ Appointed Jill (Williamson) as administrator. And I see as I look at this thing...oh, yes, and another reason, which I suppose one of the things I must have done, if I see the letterhead over here, there's reference to a trustee there at the bottom called Guy Stringer. Guy (Stringer) eventually was the Director of Oxfam at one stage and I introduced Guy to Felicia (Kentridge) and he became a trustee before me. So...effectively my official connection with the Legal Assistance Trust was from when I was appointed a trustee, which is in June 1991.

Int So the initial conditions under which the LAT was set up, what were some of the understanding of how it would then work with the LRC?

JJ I think it was there to raise funds for the LAT...for the Legal Resources Trust and to remit the funds to South Africa to help with various trials, activities that the Legal Resources Trust was undertaking.

Int And was there any sort of relationship with the SALSLEP Foundation? At that time it was called SALSLEP, in America?

JJ Not directly with the LAT but we knew about it, and Felicia (Kentridge) and Sydney (Kentridge) who were both trustees, had direct dealings with them through when they were trustees of the Legal Resources Trust, and of course Felicia (Kentridge) was really the founder of both actually. But we knew of SALSLEP and...but there was no direct connection.

Int So from 1991 onwards...of course the situation has now changed because the transition had...

JJ That's right.

Int How did you envisage your role, what were some of the things that you became involved in, as part of the LAT?

JJ Well, I was...as a trustee you keep an eye on what's happening, and our purpose was to raise funds, and you support initiatives. The great...the funding position of the LAT was, in some ways, unusual. There was...and this the LAT and Jill (Williamson) wouldn't be pleased to have this necessarily publicised because they always claimed that we had received six million pounds. Now I think at least probably about half of that came from this anonymous donor from the USA who operated through Ireland. And this was, I think, Professor (Harvey) Dale was the contact person, but all the money came...was it Feeney (Charles "Chuck") or...he was the man who...he ran...this was a multi millionaire in the States, I think his name was Feeney, F E N E Y, I think, and Feeney (Charles "Chuck") had founded a number of these duty free shops throughout the world, and he sold out at some stage or another, and had an enormous, in those days...these days things looked far...the amount of money looked at is far greater than...with his buy outs. But many, many millions of pounds, he had a very big charitable trust, and he gave virtually everything he had to this charitable trust, which operated anonymously in the States, and he used to go around...I remember he had shoes which had holes in them (*laughs*) but all his money was given to the charitable sector. Now one of the parts of that sector was...one of the policies was human rights, and with a focus, I think, probably due to Harvey Dale, on legal and what you could achieve through legal action. And they gave very substantial grants to the Legal Assistance Trust to be remitted to the Legal Resources Trust. And the reason that they gave these was I think, half Arthur (Chaskalson) and Felicia's and Sydney Kentridge's work, and their discussions with them. But because they...Feeney, if that's his name, couldn't bear to allow himself to be seen as generous, conducted it all in a totally anonymous way, and it was perfectly legitimate money (*laughs*) but it was probably handled the way the drug dealers...there was the States and then there was the Ireland, and then there was the LAT, and then the money went to the Legal Resources Centre. And so a lot of that funding which we were a party to was not really funding raised by us but it was raised...it might have been SALSLEP and it might have been the personal connections of Felicia (Kentridge) and Arthur (Chaskalson), and the relationship they...and I think Harvey Dale used to chair the grant giving over there, and pushed a lot of this money our way. Really believed in what the Legal Resources Trust was doing.

Int So in terms of your involvement you mentioned fundraising, keeping your attention on what was happening, at some stage in this interview you had said that you thought that apartheid would really collapse 2020. It came earlier, did that take you by surprise somewhat or were you prepared?

JJ No, I was totally astonished. I couldn't believe it, it was so wonderful. To me, as an outsider...and I think I must have been involved in different things...I'm just trying to...ya, I mean, I had connections with the ANC, I was very friendly with a chap called Mac Maharaj, I don't know if you know Mac...?

Int I know of him, yes.

JJ He's a lecturer at...he teaches at Bennington in the States. But he was the...after the Rivonia Trial he was an accused in the...they had a reserve high command, which was to be brought into operation if the leaders were caught, and he was one of these second high command, and they took over for a while and then they were arrested, and then so then I defended him and his colleagues, the junior high command. And Mac (Maharaj) spent twelve years at Robben Island, and then he got out, and when he got out he immediately went underground and he was...and I'd see him from time to time, I think I met Oliver Tambo a couple of times and other people, but I don't think I played any significant part.

Int In terms of that period, you joined the LAT at a very...in a way, significant period, but also very difficult period, because at that time it seems to me that the nature of funding for South Africa changed...

JJ Yes, once Nelson Mandela and the others had been released, the position...it didn't change overnight but it got steadily more difficult. Essentially you are...everybody supported the fight against apartheid. It was really a focal point for a range of support throughout the world, which grew and grew as the Free Mandela Campaign got under way and all the other campaigns. And then...and when the ANC had taken over the government of South Africa, people and trusts with their funding would actually say, well...particularly those who operate in the developing world...would say, well, South Africa has got a government of the people and it's got a lot of wealth compared to most of the developing countries. We will look at applications for grants sympathetically but in line with applications for the rest of the world and where the need is greater elsewhere we'll start supporting them rather than South Africa. So the climate really changed very considerably and from a fundraising point of view has just gone down and down. And to a considerable extent, I think, the support came from South Africans who'd left South Africa, and who had established businesses or things over here which were successful, or elsewhere in the world, in the States, or in Australia, or Canada.

Int So in terms of the LAT, what were the primary functions, besides fundraising, were there attempts to somehow make the work of the LRC more prevalent and known in the UK?

JJ Well, the objective was to raise funds but the way you raise funds these days is by telling the world about the great successes you've had and about need. So we prepared good applications. Jill (Williamson) did the work...you know, being a trustee...in my experience I've been a trustee of quite a few charities over the years, the person who does all the work in most charities where they can afford a director, is

the director and their staff, and the trustees look at...are like non executive directors, they keep an eye on what's happening, they help where they can, and I think that Jill (Williamson) did all the work really...no, actually Jill (Williamson), and then they appointed, in this country, they appointed Jill (Williamson) but they appointed eventually an executive committee. And the executive committee was chaired by Sydney (Kentrige) or Felicia (Kentrige) and two or three other trustees, and sometimes people who weren't trustees, and they did the work, with the trustees, and I was one of them, and sort of carried on and kept an eye on what was happening, and gave what is considered to be wise advice, by whoever gives it. It probably is useful and valuable. But we did very, as individually, we did, in my view...well, in my view, I did very little.

Int In terms of the legal profession in the UK, has there been support for the LRC's work?

JJ Yes, I think the Legal Assistance Trust, most of its support, a great deal of its support, came from lawyers. Although lawyers aren't very generous actually. You know, what happens is that barristers are a very strange lot, they earn lots and lots of money but they're all one-man shows, or one person shows. And just as they know nothing normally about management, because they're all earning their money themselves they...I think through hard work in the courts, they tend to think a gift of fifty pounds a year is quite a lot of money, when actually they should be giving five thousand or fifty thousand. But some of the law firms, mainly those with a South African connection, and any...I would think that Jill (Williamson) would have a far better feel for this...that with the exception of Comic Relief, much of the money has come from South African contacts. And of course there are a whole lot of other South Africans in London and thereabouts, so they've been quite generous. Ya, Comic Relief has been a big supporter, and I'm, again, I'm not sure whether I had anything much to do with that. I actually know Comic Relief quite well because the person who built up and developed Comic Relief was a lady called Jane Tewson, and I was a sort of unofficial advisor to Jane (Tewson) and I might have given them introduction, but I don't think I did actually, but much of the money came from Comic Relief, other than the American billionaire's money. And Comic Relief was...was I think the other...ya, the major donor after this wonderful Mr Feeney (Charles "Chuck") from the USA.

Int So currently, the LAT is over twenty years old, and so in terms of its management now what is the state of funding for the LRC?

JJ Oh, well, we got to a position...the LAT, we realised...or the existing trustees realised, I think last year or the year before, that we weren't going to...that it was virtually impossible to raise money for the LRC in the UK, of sufficient quantities, to make it worthwhile to keep the trust going. And we thought that probably that...this was last year I think, the time had come to say, well, we'd done something useful, but now the income does not justify the level of expenses. In the meantime Jill (Williamson) had retired some years ago, and we'd appointed a very efficient lady called Barbara Davidson...I don't know if you've met or going to meet Barbara?

Int I've heard about her.

JJ Barbara (Davidson) effectively, when Jill (Williamson) retired, Barbara (Davidson) effectively was running the LRC with the executive committee. And there of course Felicia (Kentridge) then fell ill and Sydney (Kentridge) had to devote a lot of his time to looking after her, and he has his own load, so he stepped down, they both stepped down as trustees. And it was my view, and the view of others, that we really should be closing down, and I think had in principle decided to do that when Janet Love took over at the LRC. And she's excellent, very powerful, intelligent, talented woman. And we said to her that we were thinking we would have to close down, there's no justification for carrying on. And she said, no, we must carry on. And the only way we could justify this was if we could get another very big grant from Comic Relief. And so we've put in a couple of applications for a million pounds, I think, something of that order, over a number of years. The first one has been rejected but we're putting in another one at the moment. If these...now why...it's worthwhile keeping the LAT going just for the Comic Relief money because the Comic Relief can only, under its current policy, can only give funds to UK charities and the Legal Assistance Trust is a registered charity. The Legal Resources Centre isn't. So we've kept going...we really kept...and then Sydney (Kentridge) retired and Felicia (Kentridge), and...what happened then? Yes, and as I say, Barbara (Davidson) was holding the thing together, and doing a very good job of it, and...and then when Sydney (Kentridge) retired we decided to make...that we would appoint Jill (Williamson) as the chair, and Jill (Williamson) has been keeping an eye and doing whatever is necessary and trying to put in grants on behalf of...which are really meant to be formulated by the LRC, because we can't afford to have a fundraiser over here.

(end of recording Track 1a)

(Interview resumes)

Int We...stopped at the point where you were talking about the decision to actually stop the LAT....

JJ Ya, and essentially, I think we'll only...I don't think there's any realistic possibility of raising funding in this country for the LRC. But that is with the existing trustees. It's possible that with young, enthusiastic, dynamic people involved something could be done, and I've seen it so often with a charity, it depends on the people who are running it really. So we decided to...when Janet got involved, and as I say, she was keen to maintain the...to keep it going and to raise funds. And we'd lost Sydney (Kentridge) and Felicia (Kentridge) as trustees and I'd indicated that probably it was time for me to step down. And Janet said no, she would step in and she would find some decent trustees and was very keen to keep it going, and so we've kept it going and it's still sort of...not stumbling along, it's still going at a very low level and kept together by Jill (Williamson) actually. Jill (Williamson)'s done a very good job as a Director and she's now taken over as the role of Chair.

Int And you mentioned Comic Relief...

JJ Yes, and there is...and if they can get a substantial grant from Comic Relief...normally Comic Relief gives grants for three years or four years, in fact there's already a grant of, I think, close to three quarters of a million pounds, which is over five years so we have to somehow or other keep it going, as it's paid over in instalments, and there is an overhead charge, which they pay to the LAT for doing it. So we've got to keep it going for a few more years. But we introduced a couple of new trustees who one is an ex South African lawyer called Alex Tulloch, who has some very wealthy clients, I believe, and also another man...names escape me but he's a South African...John Battersby, his name is, and I think he works for some part of the South African government, but based over here enhancing the image of South Africa. And the question is really whether they with Jill (Williamson) will take this forward. I'm not too optimistic but will be delighted if they succeed.

Int What do you think would be a solution in a way to getting the LRC funded substantially and promisingly?

JJ I think there's a real problem that very little of the real money comes from South Africa, with it still to come from. There are all these wealthy corporations over there. And what I think is that they really need professional fundraising. They really are amateurs in the business of fundraising. They can't even write...they don't write good proposals actually. And...that is the only hope, and unless they succeed they'll have to continue downsizing. Now what Janet (Love) has done is to start to downsize the operation. I think they're closing their Pretoria office, and losing a number of staff. And it's what happens with any organisation, it gets to a certain size, and insists on carrying on at that size, even though the source of funding has become much more difficult. And I think faced with that they have to take firm steps to reorganise, to focus on what is the way they can be most effective, but bear in mind their funding base. They've got a reasonable endowment fund and they've also got Arthur Chaskalson back as a trustee, and Janet (Love) is just the right person...if anybody can save...can really succeed in running the LRC effectively it would be Janet (Love), and she'll need a bit of luck, she'll need support, and I would say it's an open question. I think there's always room for the important work they do but they have to really...I think they have to significantly reduce their cost base, which is what Janet (Love) is doing. And they really need to find ways of raising money in South Africa because from the outside world's point of view this...Zimbabwe or Uganda, anywhere in the developing world has perhaps greater claims to the funding than the Legal Resources Trust. On the other hand, in South Africa, it's not recognised by the outside world that there's a great deal of poverty...there's a tremendous amount of real poverty in South Africa. But the sense, I think, of many donors is there's so many rich people in South Africa, why don't they put in their money?

Int Absolutely. It's a dilemma.

JJ A dilemma and a difficult one. But I think they're fortunate to have Janet and they're also fortunate to have someone with Arthur (Chaskalson)'s experience and reputation over there.

Int You've mentioned that when an organisation grows, and I'm just wondering given that the LRC has expanded so dramatically and it's over twenty-six years old, I'm wondering what have been some of the difficulties that you may be able to talk about, between administering an LAT funded, in terms of funding the LRC, what have been some of the relationship difficulties with two organisations working together?

JJ Well, again, I suppose in dealing with a history, one needs to know the truth actually, going with the question, which might need to be edited, but basically there's been enormous friction between Jill (Williamson) and the fundraisers in South Africa, who are meant to be supporting them. And what is happening, happens with many development charities, the people working in the field, doing the work, consider the work is all important, and they need not...and it's the job of the fundraisers to raise the funds, but fundraisers can't raise the funds without the support of the people in the field who give them the stories, give them the information, help with the thing. And lawyers in particular. Lawyers are trained to deal with legal cases, not to fundraise, but it's an integral part of every good development worker's job, to actively support the fundraising. And they will run into enormous difficulties until that message gets through and is implemented. And that has caused real problems with getting in good proposals to donors. Well, what have you people been doing? We've already given you a million pounds. What have you achieved? What needs to be done? And without that information there is no...it becomes very difficult to raise funds. And there are personality clashes, which I think are...Jill (Williamson)'s not a person who's difficult to get on with, and the South African fundraisers in the LRC, there have been some difficult personalities over there, and they look upon supporting the LAT as secondary. You know, they're getting on with their contacts. So that is a major, major problem. And the other problem is when you're downsizing an organisation, inevitably the good people who can easily find jobs, go, and you're left with the people who are not so good. And what you want is a reversal of that. It's very difficult. So I think one must pin one's hopes on Janet (Love).

Int I just want to go a little bit into...you've been involved with the LAT for a considerable number of years, and I'm wondering whether...I know you've been quite busy with other things but I'm wondering whether there were moments where you were quite proud, in a way, of being involved with this kind of work, perhaps through... during apartheid it was the test case approach, but I'm wondering under transition whether there have been significant victories that you may have become aware of ...?

JJ I'm trying to think...what I do know is that a lot of...that there have been a number of cases where I think the LRC have been involved and played a key role...I'm not sure that they didn't play an important part in the AIDS treatment litigation...but I'm not sure about that, I think Achmed (Mayet) somebody led that campaign, was a key player, but I think they were involved, and certainly I know that Geoff Budlender, who used to be the Director, and is now an advocate in Cape Town, who's also terrific...I believe that he was involved on behalf of the LRC in a number of cases against the South African government, trying to get fairer treatment. And so when they have succeeded with these cases, it actually has done a great deal of good, and one feels, yes, that's worthwhile work to support. But I'm so remote from what is

actually happening on the ground that I don't think I can cite the particular cases, but on reports that I've seen, a lot of good work has been done and still is being done but they're trying to do too...but they just have to confront, as Janet (Love) is confronting, a changed situation in relation to fundraising. The essence of it is that in the apartheid days, everybody was keen to pour money into South Africa because the system was so evil. It's not evil any longer. Lots of people at the moment are doing very well in South Africa. Black empowerment has led to very considerable increases in wealth of black people. It's good but it's actually distributed, and your own work will have shown you the sort of problems that arises. It's people who have had good connections have benefitted enormously, but the mass of the population has not directly benefitted.

Int And I'm wondering, given that the LRC was during apartheid, it was ...well, it was on the side of the ANC's mission, and now that the ANC is in government the LRC is put into position, in a way, to have to then actually confront the government on certain issues, like the Treatment Action...

JJ Oh yes, it does.

Int ...And I'm wondering from your experience what you think are some of the tensions there?

JJ The tensions between the...?

Int The LRC and an ANC led government, as such.

JJ I think they crop up from time to time, with any government, there are always issues which arise where people believe, voluntary sector believe, government is behaving inadequately or inappropriately. But again, I'm too...I know about the position in general, I don't know about the particular examples, but I think if you took a look, and Janet (Love) and the people at LRC would be best able to describe the work that they're doing, you would see amongst it a great deal of very good work, and no-one else is doing that, and so they're fulfilling a very important part of their legal infrastructure over there. And there have been a considerable number of cases which have gone to the Constitutional Court for decision, where the LRC has been acting against the government. And in fact one of the reasons which it is believed by many that Geoff Budlender's not been appointed as a judge, which is a great injustice, is because he's taken these cases against government (*laughs*). But no one pays any attention to the fact that in the apartheid era he was taking grave risks in opposing that government. But again, it's the way things turn out.

Int The LRC has been remarkably successful, not only in its expansion but in the work it's done, during apartheid and now, that continues to succeed and thrive, and I'm wondering in terms of looking back on your own life and your association with the LRC, what are some of the memorable moments?

JJ I think the one area...the one...my problem about memorable moments is my memory, but the one thing that I really, sort of clarified to me the tremendous importance of the LRC, was when they won that decision, which said that wives could join husbands in Johannesburg and the other urban areas (reference to Komani case). And that had an impact on literally millions of people, and it is that ability to identify the key areas of what really needs to be done and to take action, using the law as it stands, is quite a remarkable achievement. And it's quite interesting to compare, the two governments: In the apartheid era you were looking around for some basis on which to base your claim, and it wasn't easy because the laws were bad laws. But nonetheless they found gaps and they took advantage of them to benefit society as a whole. Change of government and they've got a Constitution to rely on, which is a brilliant Constitution, which Arthur (Chaskalson) helped to work on, and gives every right imaginable, and now they actually are working with laws which are very sympathetic to justice for all, against often, against a government which is interpreting the laws differently, and their difficulty now is getting implementation of the existing laws, whereas the previous acts in apartheid days was to circumvent the law and find some way of using them (*laughs*). Law intended to suppress, they could find a way to use that to achieve the opposite result. Now they've got laws, which give them every right imaginable, and it's how to ensure that they are applied.

Int What do you attribute the LRC's success to...what are the factors, the elements, do you think?

JJ To me it's quite simple, it's always been what I've learnt from management and over my years, that good leadership, brilliant leadership, is the key to success. And Arthur (Chaskalson) was really...Felicia (Kentrige) thought of the idea and was great, and did a great job, but Arthur (Chaskalson) was the key to the success. When you get a great advocate like Arthur (Chaskalson), travelling the world, he's a wonderful fundraiser, that Ford just have to listen to (*laughs*) and money pours in. By the way, these initial contracts were mainly set up by Felicia (Kentrige), so it was that partnership between Arthur (Chaskalson) and Felicia (Kentrige), which I think is the main reason for success. And Arthur (Chaskalson)'s strength was in recruiting really good people to work for them. And so you recruit Geoff Budlender, a key player in the whole thing. The Cape Town advocates are excellent, still are, I think it's possibly the strongest part of the LRC, they've done great work. You recruit a good team and then you run them as a team, and I think that was the key to the success. And it was helped by the fact that they were operating with great courage in an environment, which was so evil in its application that outside funders wanted to support them, and did support them. So I've got no doubt at all...Arthur (Chaskalson) would deny this of course, but I've got no doubt at all that it was after Felicia (Kentrige) had done the fundamental key work in developing the idea, Arthur (Chaskalson) was the reason for its success. But it was because he could recruit the right people and...then it wasn't only his work, it was their work as well, but he could create a team.

Int I'm wondering, we've gone through some of the difficulties experienced by the LRC in the transition phase, and I'm wondering what you think...what are your concerns, if any...funding of course, is a huge issue...for the future life of the LRC? Where do you envisage would be the main problematic areas?

- JJ I think the main problem area is what...funding actually. But you need funding to employ good lawyers. And what is happening in...I'm sure is happening, although I've got no direct knowledge of it, in South Africa, for good lawyers there are all sorts of other opportunities and so you're competing, and you have to be able to pay close to the market salary, and you've got to find people who are committed to what you're doing. So I think funding is...I think funding and leadership, and the two actually run into one another, are critical for the future success. There's also actually been a...Arthur (Chaskalson) was always conscious of a need to sustain the organisation and he started an endowment fund and was able to attract very considerable sums for that endowment, and because their expenses have exceeded their income over previous years, they've had to utilise part of that endowment fund, but fortunately, because the stock market has been so successful over the last few years, I think they've still got a significant endowment fund. So they are assured of a level of income from their investments and that makes quite a difference. And I suppose it's probably relevant to say that I've been able to be useful with that...to some respects with that fund.
- Int Looking back on your involvement with the LAT, what do you think you would have liked to have seen being done differently in relation to the LAT?
- JJ I think with the LAT maybe, we should have been able to build up a bigger supporter basis...a supporter...what is the word...a bigger supporter base than we in fact did, so that means I think our fundraising could have been more effective than it was. But it's always easy to say that, because how do you do it? But I think the...I can't over exaggerate the handicap that it was that the relationship between the fundraisers in the UK and in South Africa were always at odds with one another, and there's no doubt at all that the fault was in South Africa. But part of that fault, I think, was also that in South Africa they never...well, they had one quite effective fundraiser, who actually on a personality basis was impossible for Jill (Williamson) to get on with, but he did good work, but overall I don't think their fundraising has been professional, and that is...and to provide the material that was needed by the LAT to raise funds. It was very difficult to manage without the material that one needed. And a constant source of aggravation to Jill (Williamson) and the others, and, you know, it's hard enough to run a charity without having a key part of your success...dependant upon others who are not actually supporting it.
- Int Would you have been able to predict that the LRC would have become such an established and successful feature in South Africa?
- JJ No, I wouldn't have thought, it's almost as miraculous as the ANC taking over South Africa (*laughs*). But very interesting. Both cases it was the leadership which made it a success. Arthur (Chaskalson) had very good chairmen at the LRC and was also very good. And I'm sure if you do a graph and see what happened you'll find that it was shortly after the ANC took over that the funding started to fall. But a wonderful achievement, which required not only great ability but great courage actually. I think the Legal Resources Centre had its peak, was probably the biggest civil rights legal

organisation in the world and...and of course as it grew it began...it also I'm sure suffered from what always happens with a biggish organisation, staff start complaining about other staff and their salaries aren't high enough to match the market, and of course labour rights comes into it straight away, and the labour rights say you're entitled to endless holidays and you can have endless leave of one sort or another, and eventually the staff, instead of being a hundred percent committed, like they were in the early days, to the cause, and nothing mattered but the cause, after a while they were actually spending a considerable time advancing their own interests and thinking of the injustices that they suffered by working for them. And this isn't unique in any way to Legal Resources Centre, it happens as organisations expand. Unless these problems are anticipated and you look to solve them on an ongoing basis, but mostly in NGOs the problems are not anticipated in advance, because everybody is so busy doing the important work that they have to do.

Int I've asked you a lot of questions, I'm wondering whether there's things that I've neglected to ask you and that you would like to be included in this oral history?

JJ No, I don't think there's anything you haven't asked me, in fact you've asked me so many questions which I can't answer, and my main concern is that because I didn't have the direct contact, my views on what went wrong with the LRC, and whilst not as successful as it perhaps could have been in the post-apartheid years, are all based on hearsay and on judgment, with probably without a full knowledge of...without the sort of knowledge that you would expect. I wouldn't stand up to cross-examination in a court (*laughter*), where they say, how could you express these views? Well, it's based on my experience as a manager. Oh, but don't you need to know all the facts before you express views? Yes, it would be a good idea (*laughs*). You get to that, so I think everything that...most of the things I've said should be taken with this reservation that I'm often making judgments based on general experience, which might not accord with the facts and therefore may be very suspect.

Int (*laughs*) Anyway, Joel, thank you very, very much for doing this interview and for your time, we really appreciate it.

JJ That's a pleasure. I forget one other thing...I think in my, I suppose you call it career over here in the UK, I've been very involved in the voluntary sector and have seen a lot of the work of the voluntary sector, both in this country and throughout the world, and I cannot think of an organisation which has been more successful than the Legal Resources Centre. Although it's not perfect and has many problems, it really achieved so much and was a model for a very considerable period on how an effective organisation could be run in a very hostile environment.

Int Thank you so much.

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